

SOUL
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Herbert Aptheker



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Published by Marzani & Munsell, Inc.
100 W. 23rd St., New York 11, N. Y.
Printed in U.S.A.

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CONTENTS

Dedication: <i>On the Meaning of Dr. Du Bois</i>	1
Chapter one: <i>The Negro Movement and Human Progress</i>	9
Chapter two: <i>The Mythology of Racism</i>	17
Chapter three: <i>The National Scene</i>	33
Chapter four: <i>The Non-Southern States</i>	45
Chapter five: <i>The Border States</i>	61
Chapter six: <i>The Southern States</i>	73
Chapter seven: <i>Civil Rights and the Federal Government</i>	87
Chapter eight: <i>The Civil Rights Commission Report for 1963</i>	99
Chapter nine: <i>Conclusion — And Rededication</i>	109
Chapter ten: <i>An After-Word: Murders Most Foul</i>	115
Index:	119

PUBLISHERS' NOTE

A considerable portion of the factual material in this book is available in pamphlet form for wider diffusion. The pamphlet, *The Negro Today*, is 65¢ for single copies, 5 for \$2.00. For bulk rates for classroom use write to the publishers.

BY WAY OF DEDICATION

On the Meaning of Dr. Du Bois

DR. KWAME NKRUMAH, pupil of Du Bois and President of Ghana, said, at the grave of his teacher, "Dr. Du Bois is a phenomenon."

He was: like Jefferson, like Douglass, like Marx, like Lenin—a phenomenon.

Rather slight, strikingly handsome, impeccably dressed, erect carriage, head very high, clear voice, eyes about to smile. Quiet, polite, gallant towards women, especially tender with children. Slow to anger but a fierce fighter; compassionate and no holder of grudges; often self-critical. He enjoyed life; he loved the circus and the theatre, music and painting, flowers and good food. He cherished friends and glowed when there was spirited talk.

He was above prejudices but gloried in his passions; of these there were three in particular: Truth, Justice, and his People.

Work, he would say; work. Be about; there is so much to do. But he wasn't all work; he was laughter, too. His humor was delicious and never the least bit malicious.

But the main thing was—work. In sheer dimension, his labors are incredible, like the output of Shakespeare or Beethoven. His poems, his plays, his books (published and unpublished), his magazines—*The Horizon*, *The Moon*, *The Crisis*, *Phylon*—his newspaper columns, his thousands of lectures in every city of the United States, his hundreds of thousands of letters—to the prisoner in Georgia ("Do not despair"), to the teacher in Georgia ("the children need you"),

the adolescent girl in Mississippi ("prepare yourself; you must be useful"), the aspiring poet in Ohio ("you show much promise, but remember writing poetry is hard work; one of your poems will appear in an early issue"). What work he put into *The Crisis'* poetry contests and the drama contests, and the college graduate numbers and the "beautiful baby" issues! What pains he took to encourage Langston Hughes and Countee Cullen, Ralph Bunche and Walter White, Jean Toomer and Jessie Fauset, E. Franklin Frazier and Ira DeA. Reid.

What it meant—living and working in Georgia—to fight for the full equality of the Negro people sixty years ago! To organize at the turn of the century and in Atlanta scientific conferences on race and the Negro question to which figures of national and international renown came—and not once but regularly for eighteen years. To organize a movement saying "no" to Carnegie and Morgan and the Tuskegee Machine and to do it sixty years ago; to hold pilgrimages to Harper's Ferry and to issue calls for struggle in the name of Old John Brown sixty years ago.

Each time he spoke in public his preparations were endless, his remarks meticulously written down, delivery timed precisely to the minutes at his disposal. Not atypical was this estimate of a speech he delivered in the Summer of 1911 at the Universal Races Congress in London; it is taken from the contemporary account in the *Manchester Guardian*:

The speaker was Dr. W. E. B. Du Bois. He spoke with astonishing mastery, lucidity and perfection of phrase. The manner was spontaneous, yet every sentence was in place. The address was so simple that an intelligent child could have followed the argument, yet it handled so closely the fundamental issue that no specialist who heard it would have refused his tribute of admiration. As a piece of exposition, as an example of oratory exactly suited to its purpose, it was by far the finest thing that the Congress produced.

The astonishing industry of Du Bois arose from a consuming passion; it was a passion for justice. He wanted dignity on earth; his own perfect dignity was a reflection, I believe, of this deep craving. He wanted civilized discourse; he wanted human living. His own sensitivity was that of genius and he lived—a black man in the United States, a black sensitive man in the United States, a poet—oh, the irony, "to make a poet black." And in him this fire; this resistance

to effrontery. But disciplined, disciplined for the battle, disciplined to make a better soldier in the battle. Never without his wits; his sharp humor; his emotional stability; his calm.

The gentleman, the scholar, the fighter, the poet—and black. A student writes from Cornell—on behalf of his whole history class—in 1926. The class is confronted with a question, and no one—not even the professor—is sure of the answer: "Will you please tell us whether or not it is true that Negroes are not able to cry?" A Christian Minister from St. Louis, in 1910, sends Editor Du Bois a book and urges that he read it and review it; it is the Minister's own and is entitled: *The Mystery Solved: The Negro A Beast*. An ethnographic expedition is starting out from Denver, in 1927, with this problem: "Are the inhabitants of Central Africa humans or beasts?"

These are special things that come to Du Bois in terms of his particular position or reputation. But then there are ordinary events. "You are not permitted in the orchestra." "You may not eat here." "To the rear, for you." Hastening home to Atlanta from Alabama in 1906, to find his home and university a shambles, his wife in terror and his daughter wanting to know "what did all those men want?" Walking the main street of a Georgia city and seeing displayed in a butcher shop the knuckles of the latest lynching-victim. The Sons of the Revolution "regret to say that while your great grandfather did fight in the revolutionary army, we cannot enroll you as a member since you are unable to supply the marriage certificate binding him and your great-grandmother—so sorry." Carrying the body of his first-born from Georgia to the Massachusetts Berkshires so that he will not lie in a jim-crow cemetery. Etc.

This fire tempered Du Bois; it did not consume him. Whence came the strength so tempered? It came from the mass; innumerable, incorruptible and irresistible. Du Bois was not a mass-man; he did not like meetings; he did not seek leadership; he did not want power. I do not state these things as compliments and do not conceive of them as complimentary; I state them simply as facts. But Du Bois was believed; Du Bois was followed; Du Bois was encouraged—and it was by the masses among his people. It is not only the intelligentsia who take pride in him; the professionals who admire him. It is also the croppers and tenants and workers who know that he is honest and he is strong and he is on their side; they wrote him thousands of times and told him so. So did the youth. Strong as Du Bois was, had he not had that, I doubt that even he could have made it; could

have withstood the pressure; held off the doubts; overcome the despair; lived through the indignities. But with them, he could and he did.

Du Bois also had the vision not only of the American Negro, but of the American white, too, understanding someday and joining someday—especially the working masses among the whites. Du Bois always was a union man—*The Crisis* carried the union button even when the typographical union was lily-white; Du Bois very early was attracted to Socialism—certainly by 1904; Du Bois was a friend of the Bolshevik Revolution from its birth and publicly announced this repeatedly at least as early as 1919; Du Bois studied Marx with great care about 45 years ago—he gave one of the earliest graduate seminars on Marx in any university—it was at Atlanta and was entitled “Karl Marx and the American Negro.” Du Bois had something of the image of the young Richard Wright:

I am black and I have seen black hands
Raised in fists of revolt, side by side with the white fists of white
workers,
And some day—and it is only this which sustains me—
Some day there shall be millions and millions of them,
On some red day in a burst of fists on a new horizon!

His poet's soul and genius' mind saw, over sixty years ago, the coming rebellion of the especially oppressed of the earth, the coming together of the dark people, the death of colonialism and the vision of Pan-Africa. Never did he see this in an exclusionary sense; on the contrary always he insisted that it was part of the general social and class phenomenon of the destruction of imperialism and the victory of Socialism. In racism, colonialism, imperialism—in the structure of monopoly capitalism—he saw the heart of the war danger. One of the central features of his work and his writing was the struggle against war, and he died—as his last message states—in the conviction that the Peace would be won. In combining all these visions and working so effectively for their realization, Du Bois is the pioneer among Americans.

* * *

Nothing can erase the fact that Dr. Du Bois, in his 93rd year—and with the McCarran Act on the books and prosecution under it having begun—announced his decision to join the Communist Party of the United States. He saw it as embodying the best in the radical

and liberating tradition of this country and the best in the egalitarian and militant traditions of all humanity. In this sense, and as a direct continuation and logical culmination of his own superb life, joining that Party symbolized his convictions as to what was true and what was necessary—convictions based upon a life marked by such study and such creativity and such universal experiences as to make Du Bois *the American of the Twentieth Century*, as Frederick Douglass had been *the American of the Nineteenth*.

Many are the glories and many the shames of the United States. Dr. Du Bois' accomplishments reflect the glories; and his harassments the shames. The latter culminated, in the awful days of McCarthyism and of Brinkmanship, in the arrest and handcuffing and fingerprinting and trying of Du Bois for being “a foreign agent,” and finally—a scholar abroad laboring on the colossal project of an Encyclopedia Africana (something he had projected about fifty years ago)—making him a man without a passport, a man unwelcome in his own country. Then did he turn to the citizenship of Ghana, and there did he die and there he lies buried thousands of miles from the green of the Berkshires and the graves of his children—and fifty yards from the shore whence his ancestors centuries ago were carried in shackles to make rich the New World. America's pariah was Africa's glory.

The ending of jim crow and the eradication of the stench of racism will begin the erasing of the shame of Du Bois' hounding. Then, with jim crow and racism extirpated, cities and States will vie with each other in naming their loveliest parks and most magnificent schools for Du Bois; then, it will not be Robert E. Lee whose image is upon a postage stamp and it will not be Jefferson Davis whose name is memorialized in a vast interstate highway—it will be Douglass and Du Bois.

* * *

In 1915, John Hope, then President of Atlanta University, wrote Dr. Du Bois: “You are able because you are honest. I hope nothing will ever come to you so tempting as to make you swerve in the least.” Many things did come to him, including high honors and mighty offers, but the evidence of his papers—and his life—shows that they did not even begin to tempt him. Much harder were the heartbreaking setbacks, the arrogance of the dominant classes, the sheer cruelty of monopoly, the unconcern while a whole people was crucified. At times, the pain was so great that it squeezed doubt from his heart—as after the 1906 Atlanta slaughter: “*Whither? North is*

greed and South is blood; within, the coward, and without the liar. Whither? To Death?" But the times of doubt were rare and were overcome, and his whole magnificent life is a hymn not to doubt but to confidence.

President Nkrumah, in his broadcast to the people of Ghana, following the Doctor's burial, also emphasized this central characteristic: "Dr. Du Bois' life and achievement can be summed up in a single phrase: 'Intellectual honesty and integrity.'" This certainly is the keynote; it was part of an indefatigable energy, very careful planning, great deliberation and monumental courage.

Let it never be forgotten, too, when one writes of Du Bois, he is writing of an agitator and a fighter. As to agitation, he wrote in the first volume of *The Crisis*, back in 1910, that certain friends had urged that perhaps the agitational method was harmful rather than helpful. Not so, declared Du Bois:

Such honest critics mistake the function of agitation. A toothache is agitation. Is a toothache a good thing? No. Is it therefore useless? No. It is supremely useful, for it tells the body of decay and death. Without it the body would suffer unknowingly. It would think: All is well, when lo! the danger lurks.

Du Bois always held to the belief in human progress; and he insisted that its inevitability was not independent of, but rather was dependent upon, man's activities. And basic to human progress, he held, was the radical, the disturber, the agitator and the organizer. These are the ones, he wrote in *The Crisis* in 1914, who, seeing "the disinherited and the damned," can never sit still and silent. On the contrary:

These are the men who go down in the blood and dust of battle. They say ugly things to an ugly world. They spew the lukewarm fence straddlers out of their mouths, like God of old; they cry aloud and spare not; they shout from the housetops, and they make this world so damned uncomfortable with its nasty burden of evil that it tries to get good and does get better.

* * *

The quarter of a million who marched in Washington the day after he died heard his name called and knew that he had carried the banner at their head for over half a century. I thought of Margaret

Walker's great poem, *For My People*, which that poet out of Birmingham had written in 1937:

Let a second generation full of courage issue forth, let a people loving freedom come to growth, let a beauty full of healing and of a strength of final clenching be the pulse in our spirits and our blood. Let the martial songs be written, let the dirges disappear. Let a race of men now rise and take control.

That generation is here; its time is now. This is true everywhere in the world and it is true in the United States. That it is true now: that this is *the* generation, owes more to William Edward Burghardt Du Bois than to any other single human being that has ever lived.

* * *

He died, writes his widow, after only a few hours of illness, and without pain, and after the sun had set and the darkness had gathered.

Hushed by the hands of Sleep,
By the beautiful hands of Sleep.
Death leaned down as his eyes grew dim,
And his face, I know, was not strange, not grim,
But oh- it was beautiful to him
Hushed by the hands of Sleep,
By the beautiful hands of Sleep.

In his typical way, he wrote his Last Message some years ago, in preparation for the final rest. It was dated June 26, 1957, and was given to the keeping of his wife, Shirley Graham Du Bois. As the Doctor was buried with full honors before an assemblage that included the President of the Republic and representatives from every Embassy in Ghana—*but one, that of the United States of America*—it was read:

It is much more difficult in theory than actually to say the last good-bye to ones' loved ones and friends and to all familiar things of this life.

I am going to take a long, deep and endless sleep. This is not a punishment but a privilege to which I looked forward for years.

I have loved my work, I have loved people and my play, but always I have been uplifted by the thought that what I have done well will live long and justify my life; that what I have done ill or never finished can now be handed on to others for

endless days to be finished, perhaps better than I could have done.

And that peace will be my applause.

One thing alone I charge you. As you live, believe in life. Always human beings will live and progress to greater, broader and fuller life.

The only possible death is to lose belief in this truth simply because the great end comes slowly, because time is long.

Good-bye.

* * *

Of a friend who died in Georgia in 1915—breaking his heart in the fight against oppression—Du Bois then wrote: "All the long years the voices of little black children shall make his silence sweet." Surely, so it is with him.

But though now the Doctor is silent, we hear him; all who seek the Good Life, hear him and will forever.

The Beacon dims, but the Dawn rises. We thank you, dear Comrade Du Bois.

CHAPTER ONE

The Negro Movement and Human Progress

WHEN BACK IN 1859, John Brown calmly awaited execution, he was taunted by one of the guards: "Well, Old Man, we have you now, and soon we will finish with you." "Yes," John Brown replied, "you have me now; I am bound hand and foot, I am wounded, my two sons have been killed. Soon you will hang me and you will finish with me. But," said the Martyr, "the thing that brought me here, the thing for which my comrades and for which I die—this slavery of the Negro—that you will not have finished with, and until that is finished, nothing in this country will be finished."

As the twentieth century dawned—sixty years ago—Dr. Du Bois wrote that this "color question" was the question of questions for the United States; that surely on the agenda of the then new century was its resolution. John Brown was hanged as a "traitor" and Du Bois was vilified as a "visionary," denounced as an "extremist," tried as a "foreign agent" and—to this country's everlasting shame—finally driven from its shores.

Not only has the character of these two titans ennobled humanity; the insight of both still stands as a beacon for our century. This nation could not and did not survive the nineteenth century with slavery; it can not and will not survive the twentieth century with jim crow—that institutionalized atrocity and colossal affront to Man.

Decisive in the struggle, as in all great struggles, is action, action, and again action. But for this, the more clarity the better; we intend,

in this brief chapter, to examine some of the ideas that have been offered recently among certain of what ordinarily are considered relatively "enlightened" quarters of the white population.

Recently, the Chairman of the Senate Foreign Relations Committee, J. William Fulbright, delivered a lecture on "The American Agenda" before the Fletcher School of Law at Tufts University; the text appeared in *The Saturday Review* (July 20, 1963). Normally, this distinguished Senator from Arkansas discusses everything in the world—except Arkansas. Now, however, with the rebellion of the Negro people reaching such levels that even the *New York Times* must devote column after column to it day in and day out, Senator Fulbright feels impelled to devote as much as four whole paragraphs to the matter. These pose so neatly certain widespread obfuscations that I ask the reader's indulgence while I quote them in full, prior to examining their ideas:

Each of the major issues of American life is of and by itself enormously complex and difficult to resolve. When one issue, such as education, is complicated by the introduction of other issues, such as race or religion, the resulting complexities and controversies are likely to lead to general paralysis and failure.

By making our public schools the arena for the highly emotional issue of race, we have generated unnecessary passions and animosities and at the same time add an enormous obstacle to our efforts to improve public education. The tragedy of this situation is the self-defeating result of the merger of issues. Instead of generating progress in race relations through progress in education, we have inserted the passions of race into an inadequate system of education and thereby foreclosed, or at least reduced, progress in both.

Only through the processes of education can men of different races learn to live together in harmony and in full respect of each other's rights.

If the problem of race relations is ever to be resolved in America—and I believe it will—its resolution will come by the slow conversion of the human heart through the healing processes of education and not by remedies of a more urgent nature.

These ideas seem to be widely held; certainly they are repeatedly expressed. They are, however, wrong, in my opinion, and they are wrong for these reasons. First, Senator Fulbright is in error in separating the issues of education and race. We have in this country racist education; the education is racist both structurally and sub-

stantively. That is, it is racist in terms of the ghetto and the existence, overwhelmingly throughout the nation, of schools that are either all or nearly all white or Negro; and it is racist in terms of its instruction, through both sins of omission and of commission, and in terms of its dominant philosophy, emphasizing so-called "intelligence tests" and different "rails" for students based largely on the results of such tests—with tests, rails, and future roles all nicely reinforcing a prevailing jim-crow society. Contrary, therefore, to Senator Fulbright's remarks, it is not the battlers for an integrated education who have "introduced" the question of race into that of education; the battlers for integration in education are seeking, on the contrary, to remove racism from the American educational system—and until that is done there can be no solution to the educational crisis in the United States.

Furthermore, the battlers for an integrated educational system—integrated in substance as well as structure—have not made "our public schools the arena for the highly emotional issue of race"; it is the racists who have done that and it is they—that is, it is the opponents of integrated education—who wish to maintain a racist educational system which therefore, of course, remains an "arena." Senator Fulbright seems to prefer undisturbed racist education to the effort to eradicate the racism and so really produce education; he prefers quiet, even if it be the quiet of the graveyard.

It is not a question of "inserting the passions of race into an inadequate system of education"; on the contrary, a central source of the inadequacy of the educational system is the fact that that system is racist. That being so, how can one "generate progress in race relations through progress in education" when that very education bulwarks and generates racism and when efforts to cleanse it of this filth are held to be a hindering complication?

If it is indeed true that "only through the processes of education" do men of different races learn to live together with dignity, would this not make more urgent, rather than unwise, every effort to introduce immediately an active program—in *how* the education is offered and in *what* is being offered—of integrated, anti-racist education? Moreover, surely the Senator does not believe that the "processes of education" are confined to formal schooling? Surely, life contains other educational experiences, and among these, are any more effective than participation in efforts to eliminate racism?

As for the "slow conversion of the human heart"—why must this be "slow"? And how slow is slow? Are over three centuries really

a dizzying speed? Even for a Senator from Arkansas? And conversion comes in part through formal education; but if the formal education has helped create the condition calling for conversion, will we really bring about conversion—no matter how slowly—if the racism that permeates the education is not cleansed? Shall heathen convert heathen?

* * *

Two sentences in a recent editorial paragraph in *The New Republic* (July 20, 1963) will serve as the text for another aspect of the great debate now raging on the Negro movement. The editors were arguing against the idea of cutting off Federal funds from State projects that were segregated: "The aim, after all, as we all need to remind ourselves occasionally, is not to punish white supremacists but to change them. If they cannot be changed, or cannot be changed right away, cutting off funds may simply throw away federal bargaining power, while hurting both Negroes and whites."

The Editors of the *New Republic* here offer two alternative aims—to punish or to change the white supremacists. But I would suggest that these by no means exhaust the possibilities and that there is a third aim which is both more important and more practical than the other two. At the moment, to punish the white supremacists is not of decisive significance—though the arrest and conviction of various law-defying and humanity-defiling Governors and sheriffs and judges would exert salutary effects, especially as these would symbolize a meaningful and thorough commitment to the anti-jim-crow cause by the United States Government. And the effort to "change" the leading white supremacists probably is as illusory as were similar proposals made twelve decades ago to "change" the ruling slaveholders. The decisive point is neither to punish nor to change the white supremacists; the decisive point is to *defeat* them.

If that is the aim—and anything less is playing at the destruction of jim crow—then one's major consideration is not to possess bargaining power, but rather effective bludgeoning power. The point about the Federal subsidization of jim crow—through grants for construction, for various social-welfare programs, etc.*—is that the general moneys of the U.S. Treasury—i.e., that which comes from the pockets of all of us—are expended to help finance segregated facilities

* The details of this vast subsidization of jim crow by the U. S. Government—which amounts to hundreds of millions of dollars every year—are given elsewhere in this volume.

and activities to such an extent as to comprise significant portions of the total budgets of such States as Alabama and Mississippi. If the Federal Government is serious in its opposition to jim crow then surely its money should not be a basic support of jim crow; the least the Federal Government can do, in a positive sense, is to STOP SUBSIDIZING JIM CROW.

* * *

Daniel Bell, writing in *The New Leader* (July 8, 1963), offers some useful, if elementary, lessons on the distinction between prejudice and discrimination—one an attitude and the other an act—in the course of a rather gentle rebuttal to the "you-can't-change-human-nature" argument, which was the far from original way in which jim crow was defended in the *National Review* by the ultra-Right's Brain-boy, Bill Buckley. Towards the close of his essay, however, Professor Bell offers the view that the present Negro movement has been referred to, incorrectly, as a revolutionary one; it is not, he thinks, but is rather a protest movement—a "movement for a long overdue reform."

I think this view is in error and the error has significant consequences. It is analogous to that error which dominates historical writing in the United States and holds the Abolitionist movement to have been a reform movement, and not a revolutionary one. No, the enslavement of the Negro peoples was basic to the origins and growth of world capitalism and especially of U.S. capitalism. The special oppression of the Negro peoples has been fundamental in the appearance of and the development of world imperialism and, again, especially U.S. imperialism. This makes of the so-called Negro question a basic one, from the historic view; the oppression of the Negro people in the United States is not a peripheral matter. It is not a pimple on the face of the nation; it is an organic matter; it is cancerous and menaces the entire body as it characterizes that body.

Fundamental to the aborting of the First American Revolution was the failure to cleanse the new Republic of slavery; basic to the aborting of the Second Revolution was the failure to make real the emancipation of the Negro millions. The special oppression of the Negro people is not only part of the very structure of U.S. society in the historic sense; it is also part of that structure now in basic economic, sociological, political, psychological and ethical senses. These reasons, taken together, explain why the ruling classes here always have held

on to this special oppression—and still do, in spite of fearful international “embarrassment”—so very tenaciously.

The Negro movement today for full and absolute equality is a revolutionary one not only because it carries within it the fulfillment of both the First and Second American Revolutions. It is revolutionary, too, because the Negro people—constituting twenty millions or over ten per cent of the total population—are the most oppressed segment of the American population. It is not possible to achieve the goals of the Negro movement without renovating and refreshing and transforming every feature of American life as a whole.

One cannot successfully resolve the Negro question without simultaneously attacking in a basic way the question of widespread poverty and deprivation; the persistence of unemployment; the Frankenstein quality of automation; the crisis in education; the spreading blight of the cities; the growth of slums; the accumulating inadequacy of health care; the revitalization of the trade-union movement; reversing the vitiation of democratic structure and process; effectively defending the Bill of Rights; challenging the monumental inadequacy of the traditional two-party system. And none of these great tasks can be tackled successfully so long as there is persistence in a Garrison State, with colossal proportions of the national wealth going to instruments of death, rather than to measures for life. This means that the liquidation of the Cold War and the elimination of Jim Crow are intertwined. Hence, the question of Negro rights is basic to every significant domestic and international question facing the people of the United States as a whole. This is why that question is one that requires Negro-white unity; and this is why that question is a revolutionary one. All this quite apart from what its resolution must mean in terms of governmental structure through the enforcement of the post-Civil War Amendments and through the democratization of local governments, especially but not exclusively in the South.

Because the movement is a revolutionary one, its tactics increasingly are novel and mass and highly imaginative. More and more these frighten the Establishment-supporters, even those who consider themselves “the Negroes’ best friends.” More and more one sees in the *Times* and the *Wall Street Journal*, in David Lawrence and in liberal journals—even *The Christian Century*—cautions about the need—as an editorial in the latter magazine recently put it (July 31)—not only for Thomas Paines but also for George Washingtons, *i.e.*, not

only for those who help launch revolutions but also those solid characters who keep them from going too far and thus really make possible the preservation of the best in them.* This is not the place or the moment to go into the whole theory of revolution which lies at the heart of such expressions—a theory recently developed at length by Hannah Arendt—but for the purpose at hand the *Christian Century*’s choice of historic figures was especially inept. Of leading Revolutionists, Thomas Paine was the most consistent on the question of Negro slavery, with some of his earliest writings being devoted to urging its abolition as part of the American Revolution itself, and affirming that if this were not done, that Revolution would be basically distorted and limited; on the other hand, George Washington was the richest slaveowner among the Revolutionists and represented those forces in that Revolution who helped abort it by retaining Negro slavery and thus laid the base for the travail of Civil War.

If *The Christian Century*’s example proves anything, it is the opposite of the moral the editors drew from it; the fact is that it is the most consistently and most fundamentally revolutionary forces in all great social upheavals who represent the best and most advanced and most humanistic needs. Especially on this Negro question, its history is filled with compromise and postponement, with moderation and gradualism; these kept the question from being resolved before and almost destroyed this country. If persisted in now they will again keep the question from resolution and therefore will again threaten the very life of this Republic.

The failure to grasp the revolutionary quality of the Negro movement accompanies urgings that mass activity not be part of it; that, somehow mass participation and action is—undemocratic! The participation of masses effectively and passionately in the resolution of vital social and political and moral questions *is* democracy, and without such participation there never has been any notable social advance. Such participation is helping to invigorate the fearfully ossified institutions of democracy in the United States. If this Negro question cannot be resolved by such mass demonstration and petition and action; if it cannot be resolved by the time-honored and thoroughly American forms of popular participation used by Jefferson

* A similar theme is developed by Benjamin DeMott in *The American Scholar*, Summer, 1963. This bases itself largely upon the very destructive and thoroughly unhistorical work on *Slavery* (1959) by Stanley Elkins.

and Garrison and Douglass and Debs, then no question can be so resolved and the whole future of peaceful political change is cast in grave doubt.

The ultra-Right sees that fact and is doing and will do its best to prevent such resolution; here, again, on this basic political question before the American people—the victory or the defeat of the ultra-Right—one sees how fundamental is the Negro question.

By every consideration—national and international, economic, political, social and ethical—the Negro movement represents the fundamental one within the United States today; its defeat would be a shattering blow against the forces of democracy at home and peace in the world. But its victory would simultaneously be a decisive victory of the forces of progress and peace. It is the objective reality of the need for unity between white and Negro if their mutual interests are to be served which makes possible the forging of such unity. This is an alliance—it is not a matter of benevolence. No one is doing anyone any favors. It is Negro and white together for a progressive and peace-promoting United States, or the hope for such a United States is illusory. For the sake of every one of us—of all colors and in all lands—the Negro people's movement must emerge triumphant now.

* * *

CHAPTER TWO

The Mythology of Racism

TO MAINTAIN INJUSTICE requires that it be rationalized. The greater the injustice and the more prolonged its life, the more fantastic becomes its rationale. In our society, the deepest, most significant and most atrocious injustice has been the oppression of the Negro people; hence, apologizing for and bulwarking this oppression there has been developed by the ruling classes in three hundred years of American history, an elaborate mythology. This mythology, in whole or in part, has infested the brains of most American white people for most of those three centuries.

Let us indicate the nature of the major components of this mythology and analyze them briefly. It is important that this be done, as often as possible and at every opportunity, for the system of Negro oppression has been the greatest single stain upon our country's honor; the greatest single source of human suffering; the greatest single bulwark of political reaction; the greatest single root of spreading moral decay; and the greatest single force producing division and organizational and ideological weakness in the working class.

The system of Negro oppression has played this particular role in the development of our country; therefore the struggle against the system has been at the center of all democratic and progressive effort in American history; therefore, too, the struggle against that system represents the most sensitive area of the ruling class, and

affords the greatest opportunities for substantive political, economic, and moral advance. This is the question of questions, as John Brown said, before the slaveowners hanged him; this is the particular question for Americans in the twentieth century, as the genius of W. E. B. Du Bois saw when that century had but dawned; now, we are in the second half of that century. This century—our own, in which we must live and work and fight—must surely be the century of the burial of jim crow in our land.

“THE CURSE OF HAM”

Let us consider the main constituents in the mythology enveloping the system of Negro oppression. Among the earliest and most persistent is “The Curse of Ham” myth; this is a facet of the argument holding Negro subordination and the system of segregation to be in accordance with divine will, as recorded in biblical revelation. It is not likely that this troubles many readers of this book, but it will influence some of their friends, and it does weigh very heavily with the majority of American white people who are religious. Actually, it is not the first of the religious rationales for Negro oppression; since this oppression started with slave-catching and enslavement, and since this made of the Negro a piece of property, the earliest rationale of the lucrative business was one which denied the humanity of the Negro. If the Negro was to be held in ownership like a horse or a cow, it would be delightful if he were, or if it could be believed that he were, in no substantive regard different from such animals.

This idea of bestiality has persisted in the remoter recesses of the bigot’s mind; the Mormons barred Negroes from membership on the grounds that they had no soul, or, at any rate, not a first-class soul; the vermin dominating the Citizens’ Councils, will choose language evoking this concept; vestiges of it appear quite widely in “jokes” and superstitions.

Though myths persist despite their divergence from reality, this particular one was so manifestly insane that it had to be replaced by a more durable one—after all, it was not necessary to pass laws forbidding *horses* to learn how to read, and the issue from cohabitation that white masters forced upon Negro women seemed to be *children*! Moreover, if the Negro were human, he would be possessed of a soul, and saving his soul would give the Christian a good reason for enslaving him, so that he might convert him!

Hence, it was granted, by the eighteenth century, that he was human—but in a damaged and much inferior sort of way, that was of his nature, was inherited and was immutable. That this was so, was “proven” by torturing “appropriate” passages from the bible to suit the ends of slaveowners intent upon justifying their institution. The passage especially hit upon was the so-called “curse of Ham” (in Genesis), but even the biblical scholarship here is at fault, for the curse was not of Ham, but of Canaan, one of the four sons of Ham, and Old Testament experts are agreed that he was white.

Dr. T. B. Maston, for almost forty years professor of ethics at Southwestern Baptist Theological Seminary, Fort Worth, Texas, in a book recently published by Macmillan (*Segregation and Desegregation: A Christian Approach*, 1961) writes on this point:

The only reason to give any space to “the curse of Ham” is the fact that so many people are using it today to justify the present pattern, just as their forefathers used it to defend slavery. The use of the curse stems, to a considerable degree, from the rather common tendency for men, and particularly for Christian men, to want divine approval for what they do, what they want to do, or what they think it is necessary for them to do. . . . All of us, at times, are entirely too prone to clothe our sins in the garments of sanctity by an appeal to the Bible (p. 99).

James McBride Dabbs, of South Carolina (he is president of the Southern Regional Council), remarks* rather gently, that if the slaveowners were in error to use this “curse of Ham” argument to justify slavery—and he assumes, perhaps too readily, that this will be granted—then those who use it today to justify jim crow might also be in error. While such reasoning may help, it nevertheless is important—particularly for those swayed in terms of faith by a literal examination of the Bible’s text—to note that the leading ministerial authorities on the Old and New Testament, like the aforementioned Professor Maston, and Liston Pope, Everett Tilson, and Albertus Pieters, agree that no justification of any sort is offered in the Bible for segregation, and that, on the contrary, that book and Christian teaching in general stand opposed to segregation as sinful. This is, in fact, one of the most potent forces undercutting adherence to segregation, and when one remembers how powerful were most of the Churches before the Civil War in combatting Abolitionism by insist-

* In his very important book, *The Southern Heritage* (Knopf, N.Y., 1958).

ing upon divine sanction for slavery, he will realize how significant is the contrary verdict from almost all churches today on jim crow.*

"THE CURSE OF NATURE"

In our more secular era, "scientific" myths have greater influence. These myths fall into historical, anatomical, anthropological, and psychological categories; all of them were strongly reinforced in our country by a misreading of Darwinism to justify political backwardness, moral ferocity, avid acquisitiveness, and social injustice, and, especially, because of the biological base of Darwinism, the subordination of the Negro, exactly on the grounds of natural—i.e., *biological*—inferiority.

Just as the religious apologia was related to the rise of capitalism, the rape of Africa and the use of forced labor for the exploitation of the New World, so the "scientific" apologia was related to the Asian and African colonialism of monopoly capitalism. In particular, in our country, it was related to maturing capitalism's taking over the wealth of the Southland, with its millions of especially oppressed Negro workers.

Every aspect of the "scientific" argument has been utterly demolished by scientific investigators, quite as thoroughly as the "curse of Ham" has been refuted by principled theologians. The denial of a significant, noble, creative and militant culture and history on the part of the African peoples, and of their descendants in the New World, has been smashed, and no one but an ignoramus—or the Chairman of the Judiciary Committee of the U.S. Senate—is able to persist, publicly, in the contrary view. The ascribing of arrested anatomical—and especially cranial—development to the African and the American Negro, has been proven beyond the possibility of doubt to be completely false. Similarly, the ascribing of inferior "intelligence" to the Negro is in error, and here, though one gets hedging by people like Gunnar Myrdal and James M. Dabbs to the effect that inferiority has neither been proven nor disproven, the fact is that the weight of the considerable evidence that has been col-

lected is overwhelmingly in the direction of opposing the concept of inferior intelligence.*

It is worth noting that this condition, in the area of science, also is relatively new—as is the overwhelmingly anti-racist position taken officially by all leading religious organizations—and has played a considerable part in assisting the Negro liberation movement, as the advance of that movement has been decisive in inspiring scientific progress.**

"IT'S INSTINCTUAL AND NATURAL"

Repeatedly the advocate of desegregation is met with the reply that segregation is the result of a natural or instinctual drive of like for like, and of like discriminating against and despising the unlike. It is possible that there may be a common response of suspicion, within exploitative and oppressive societies, to the coming of the stranger; but this would appear to be socially induced, for where the order is more nearly communal, the original reaction to newcomers is one of curiosity and friendship and hospitality, as was true, for example, when the Indians first met the white man coming to the New World.

Moreover, the response of suspicion and even of hostility, when it was offered in the remote past, seems not to have been mixed with any sense of contempt, and certainly had no quality to it of modern racism, with its insistence upon innate and immutable inferiority to justify perpetual subordination. That feeling, which we now know as racism, is a distinctly modern phenomenon and comes into being as capitalism develops and moves towards the subjugation and colonization of the darker peoples of the world.

None of the historical evidence, therefore, tends to show that there is an instinctual or natural source for the racism which smears

* Of course, *proving* the negative in any ultimate sense, in areas outside the natural sciences, presents extreme logical difficulties, as the success of witch hunts from ancient times to the present demonstrates. For evidence, and an examination of the relevant literature, see the present writer's "Literacy, the Negro and World War II," first published in *The Journal of Negro Education*, in 1946, and reprinted with some additions in *Toward Negro Freedom* (N. Y., 1956, pp. 123-33).

** Among Americans, outstanding pioneers in this scientific work were Dr. W. E. B. Du Bois and Dr. Carter G. Woodson, in the areas of history; Dr. Franklin P. Mall, in anatomy; Professor Franz Boas, in anthropology; and Professor Otto Klineberg, in psychology.

* The fullest collection of such statements, from Protestant, Roman Catholic and Jewish religious bodies, will be found in the work by two Southern white professors, E. Q. Campbell and T. F. Pettigrew, *Christians in Racial Crisis* (Public Affairs Press, Washington, 1959, pp. 137-170).

our country. On the contrary, all the evidence shows the absence of this ideology in the ancient and medieval world, and the gradual development of it and insistence upon its observance by the ruling classes of the early capitalist period, starting in the late 15th and early 16th century.

Moreover, were racism natural or instinctual, it would appear of itself and would maintain itself. It is a fact that many people suffer from the illusion that this is the circumstance in connection with jim crow; that, somehow, as one moves south of the Mason-Dixon line (called the Smith and Wesson line by many Negroes) segregation just sprouts up from the ground, like the flora native to the region, or that just as it gets warmer as one goes south, so jim crow appears in the same area. On the basis of this idea, it is insisted repeatedly—even by Presidents of the United States—that one cannot legislate a particular morality or code of conduct and that any effort to alter the jim crow pattern, assuming it should be made, would have to be one of extreme gradualism and confined to the most gentle forms of moral suasion and education.

All such views are grievously wrong. It is not true that jim crow patterns appear wherever colored and white peoples come together; in all of Latin America, for example, this pattern is either more or less absent, or, where it is present, appears in much more muted forms than in the United States and often appears even in these forms because of the directly traceable influence of U.S. pressure. It is not even true that the jim crow pattern appeared in our own colonies so soon as the presence of both African and European (or Indian and European) became a fact. On the contrary, the first response of the people—especially the common people—was one of friendship and comradeship; the separation had to be instituted through economic, social, and legal pressures by the ruling classes over a period of about two or three generations.

The inferior status of the Negro in the South prior to the Civil War was a matter of law, of course, and this law was enforced with the greatest severity. The law was complex and ingenious and covered every conceivable contingency; the outlawry of intermarriage; prohibiting free Negroes from voting and from certain pursuits and professions; forbidding Negroes—free and slave—to testify under oath in a court; forbidding the education of slaves and inhibiting severely the education of free Negroes; forbidding the unfettered movement of the Negro—altogether forbidden with the slave and

sharply circumscribed with the free Negro. One could go on for many pages* simply enumerating the whole legal framework of Negro subordination present prior to the Civil War; and of course basic to everything was the economic relationship, upon which was reared not only the law, but the whole state apparatus, including the armed forces, and the entire dominant ideological apparatus, especially of religion.

During Reconstruction and for about fifteen years after the overthrow of Reconstruction, all segregatory laws were repealed, and many Southern States passed civil rights laws forbidding and punishing any public manifestation of discrimination (South Carolina, in particular, had a strong civil rights law until 1889). The institution of the modern system of hundreds of racist laws throughout the South (and not a few in the North and West, too) began in the last years of the 1880s and continued intensively until the adoption, in 1910, of the Oklahoma constitution. It is, then, a fact that the modern jim crow legal system is not more than seventy years old, and comes into being at the same time as the transformation of U.S. industrial capitalism into monopoly capitalism; it is a facet of the taking over the South by newly-developed American imperialism.**

Hence, the man-made and ruling-class-made structure of the American system of jim crow is indubitable; segregation, far from being the result of any instinctual or natural tendency, clearly is the product of an economic system of special oppression, bulwarked with a complex legal, social, ideological system which justifies such terrible oppression.

Those who insist that one cannot legislate morality, should bear in mind that immorality has been legislated. Those who insist that one cannot, by law, fight against social custom, should bear in mind that social custom, and most certainly, the present jim crow set-up in the South is dependent upon the existence of particular laws. In fact, those who say that laws are irrelevant, at best, and harmful and

* The reader who is particularly interested will find this treated at length in my *American Negro Slave Revolts* (N. Y., 1963, International Publishers, pp. 53-78).

** This thesis was presented by the present writer in *Jewish Life*, July, 1950, where documentation will be found. It was reprinted, with some additions, in *Toward Negro Freedom* (pp. 88-95). Additional factual substantiation—though not the analysis showing the connection with imperialism—will be found in later writings by C. Vann Woodward, George B. Tindall, and Rayford W. Logan.

provocative at worst, when it comes to dealing with matters of morals, mores and customs, may well be challenged: All right, if laws cannot or should not be used against jim crow, then repeal all laws supporting jim crow. *If law is irrelevant, then let us have no laws of any kind—pro or con—dealing with racism!*

"THE OUTSIDE AGITATOR"

Ruling classes invariably believe that their systems are immortal; the fact that they have been proven wrong time after time does not keep new rulers from repeating this error in reasoning. The idea stems from the conviction that their system is splendid, reasonable, and in accordance with divine or natural will; nor is it likely to be shaken by the fact that they derive great pleasure and satisfaction from ruling.

Hence, the masters of all exploitative and oppressive systems always have insisted that internal threats to their stability must derive from sources outside the systems. Such a decision offers no invidious verdict upon their dearly treasured system, nor their own stewardship; it has the added virtue of making the foe alien as well as somewhat nebulous, so that his existence may serve many ends, not the least of which may be justification for aggression, or as a lightning rod for real domestic turmoil.

The tendency to blame "outside agitators" will be intensified where the oppressed suffer very severely; it will be intensified to the highest degree if, in addition, those who suffer are alleged to be barely human, and if the rulers insist that a proof of their lower humanity is that they love slavery and hug their chains. Therefore, the rulers of the South, both before the Civil War and since the restoration of the Bourbons, down to our own day, have especially insisted, at every sign of popular unrest, that its source was from the "outside"—the damn North or the damn British or the damn French or the damn Bolsheviks, the particular target differing at different periods and sometimes several targets being fired at simultaneously.

The fact is that the basic source of the unrest among the oppressed lies in the oppression. Northern Abolitionists, when charged with provoking slave plots and uprisings, prior to the Civil War, had a decisive reply. They told the slaveowners they knew a method which, if adopted, would guarantee absolutely that no more slave revolts would occur; they warned, however, that they also knew

that if this method were not adopted then slave revolts and plots would occur, no matter what else the masters might do or not do. The magical formula was: if you would end slave rebellions, end slavery.

This does not mean that the slaves were not conscious of, and inspired by—at least some among them, and to some degree—such stirring events as our own American Revolution, or the French Revolution, or the Haitian Revolution, or Mexico's abolition of slavery, or the British act emancipating the slaves in the West Indies, or the rise of a mass emancipationist movement in Great Britain, or the growth of a significant Abolitionist movement in the northern United States. They did know of these events, and they were inspired, strengthened and given fresh sources of hope. But it does mean that in almost no cases were there actual "outside agitators" who made their appearance; it does mean that the central source of the struggles of the slaves, in the dozens of ways they did struggle, came from their own hearts and nerves, from their own inextinguishable passion for an end to slavery.

Today, too, the Negro people in the United States, and in the South certainly, know of the heroic struggles of their African and Cuban brothers; they know of the titanic struggles of the Arab peoples; they know of the world-shaking events in Asia, and especially of the great leap forward of the multi-millions in China. They know, too, of the Bolshevik revolution, of how the Soviet Union, above all others, saved humanity from the racist monstrosity of Hitlerism, and how that multi-national and multi-colored enormous land has leaped forward into the front ranks of powers and into the front ranks of rational and just social orders, after less than fifty years.

All humanity is one—despite the insistence of the segregationists—and of course the liberation struggles from one component of that whole, inspire other components. Americans should be the last people in the world to be surprised at this, since the English, Irish, Dutch, and, above all, French, assistance and inspiration were decisive to the success of our own Revolution. But is the Declaration of Independence any less an American document because its creator drew many of his thoughts from the noblest ideas enunciated by earlier geniuses laboring in other lands? Is Yorktown not an American victory, decisive for the achievement of our nation's independence, because without the participation of French men and ships, it could never have happened?

The Negro people, like all other people, will be satisfied with nothing less than achieving full and complete freedom, and they, like all other peoples, will draw strength and fervor for this fearfully difficult undertaking from whatever source seems to them to be most helpful. This has nothing to do with Eastland's idiot-ranting about "outside agitators"; it has to do with a law of human progress, that has operated throughout history and operates today.

THE CURSE OF NURTURE

In our secular age, the Curse-of-God explanation for the oppression of the Negro people, and the jim-crow system reflecting and bulwarking that oppression, no longer is fully effective. While it does continue to have weight with many hidebound white religionists, their numbers are steadily declining; moreover, from within, a less racist interpreting of the sacred texts is becoming more and more common.

At the same time, the Curse-of-Nature explanation has been falling into disrepute, as modern scientific inquiry—itsself part of the decline of imperialism and the rise of socialism—has demonstrated in one field after another the untenability of racist views.

While both these Curses still retain considerable potency in corrupting the American White Mind, nevertheless it is a fact that they have been significantly diluted, especially among our liberal-minded white people. For these reformistically inclined and moderationist folk, a more sophisticated myth—one which would save them from the heresy of radicalism—has been necessary if they were to be provided with a rationalization for the monstrosity of jim crow.

This myth, particularly widespread among the more enlightened white professional and middle-class groupings, may be called the Curse of Nurture. It may be substantiated with very elaborate statistical charts and impressive two-volume works; it will focus upon sociological phenomena and so carry with it at once an apparently objective and scientific aspect; it will, also, obviously fit in with the tinkering and "good government" and commission-of-inquiry approach that forms the tactics of "moderation"—that are, in other words, splendid instruments for delay, and sharp tools forging acquiescence. Not least among its virtues is the fact that it affords endless opportunities for "detailed studies" lavishly financed by tax-deductible grants, thus simultaneously gratifying philanthropic impulses and career-making needs.

The textbook for this school is Gunnar Myrdal's *An American Dilemma: The Negro Problem and American Democracy* (N. Y., 1944).^{*} Analytically, the core of this work lies in what its author calls the "vicious circle" theory. The natural inferiority of the Negro is taken to be unproven (though not, necessarily, untrue), but the socially-induced inferiority of the Negro is held to be a palpable fact. Starting with this "fact," the segregation of the Negro, which induced it, simultaneously is a consequence of it; for the real inferiority—even if its cause be (mainly) social—makes the Negro an unpleasant neighbor, to be blunt about it, and hence pressures arise for his segregation. This develops added inferiority, which intensifies the urges towards discrimination, which further accentuates the inferiority—and so on forever and forever. Indeed, a vicious circle.

Like a circle, neither a beginning nor an end is discernible. In place of real causation, is offered a description of things as they are, and from this description is extracted an "explanation" for its being. But the main alteration in the description which allows it to serve this dual function is verbal—the source of the oppression is explained by calling that which is oppression by the euphonious title, "socially-induced inferiority" and then insisting that it is the latter which "causes" the former.

The socially-induced inferiority of the Myrdalian school is nothing but oppression and poverty; what it is, in fact, and what the bulk of Myrdal's 1,500 pages are devoted to demonstrating, is that the Negro is paid least, fired first, hired last, most poorly housed, least educated, most often ill, most often jailed, and dies earliest. This is the system of jim crow; one does not elucidate the source of the system, by renaming its consequences and then asserting that the renamed entity is the "cause" of the system in the first place!

Having no beginning, the vicious circle has no end; hence, in what way to bring an end to that without end, one cannot tell. All this fits in with the Myrdalian idea that "everything is cause to everything else"; it suits perfectly a program of excruciating patience, high-level politicking, and the absence of mass action directed at the elimination of real grievances and the achievement of fundamental advances.

Incidentally, the development of a fairly substantial Negro bourgeoisie and professional group tends to embarrass the Curse of Nur-

^{*} The present writer published a critique of this work in 1946, under the title, *The Negro People in America* (International Publishers, N. Y.).

ture mythologists; what does one do with those obviously not "cursed"? The reply is: one seeks to win them over and wean them away from their own masses. So profound and incisive a Negro scholar as the late Professor E. Franklin Frazier found in his *Black Bourgeoisie* (Free Press, Glencoe, Ill., 1957) that this had been accomplished; yet, the present writer finds it impossible to agree, and feels this much too pessimistic as to the present and in error in terms of projecting the future. Actually, recent developments would tend to show the faltering and vacillating elements within the Negro bourgeoisie may well be left behind as Generals without troops, for increasingly the rank and file are acting for themselves and developing their own leaders and their own tactics and their own basic demands* This is in tune with—and in part responsive to—developments in the rest of the "Free World"; there is every indication that the future will see the still more rapid development of that process and not its reversal.

In this connection, it is important to observe that while capitalist prosperity has to a degree improved the absolute living conditions of large numbers of Negro people, the latest government figures still place the average annual income of Negro families at \$2,711, which is about half the figure required for a "minimum standard of decency." Furthermore, while unemployment has been a pressing problem for a varying percentage of white workers, it has been for years and remains today a keen problem for double the percentage of Negro workers, so that while about one in fourteen white workers are unemployed, about one in seven or eight Negro workers are out of work. And, really of decisive importance in comprehending the temper of the Negro people today is the fact—as pointed out by Lester B. Granger of the National Urban League, in April, 1962—that the Negro family income has actually deteriorated in the 1950's as compared with the income of the white, so that while it amounted to 54% of the white in 1950, it came to only 51% of the white in 1958.

* The Reverend Martin Luther King, at a meeting sponsored by the Southern Christian Leadership Conference, held in Raleigh in mid-April 1962, made this quite explicit. Referring to the student sit-in movement, he said: "It is a revolt against those Negroes in the middle class who have indulged themselves in the big cars and ranch-style homes rather than in joining a movement for freedom." He added: "This is an era of offensive on the part of oppressed people. All peoples deprived of dignity and freedom are on the march on every continent throughout the world."

Fundamentally, the Curse of Nurture idea is related to the basic rationalization that exploiters have used for their systems even before the modern refinement of racism was concocted. That is, it is a form of the argument that the poor are poor because they are no good—reflecting the dual meaning of the word "poor": without money, and without merit. Rulers and their apologists always have seen nothing but degrading and enervating effects stemming from oppression; they have missed altogether the ennobling, strengthening impact, and the growth of a feeling of solidarity and of selflessness. In addition, they altogether ignore the integral relationship between the cause of justice and the cause of the oppressed. At the same time, these rulers and their lackeys cannot appreciate the decaying effect that their position and their role have upon them—socially, ideologically, and ethically.

THE "NEW NEGRO"

The dominant press and the drawing rooms of wealthy whites in the North and in the South are buzzing with worried and puzzled references to the "New Negro." The usage, while containing some elements of rather grudging respect or awe, at the same time contains invidious content so far as the parents and grandparents and ancestors of the present front-line fighters in the Negro struggle are concerned. Some of this emphasis on the "New Negro" is filled with chauvinistic ignorance or fantastic misinformation about the history and character of the American Negro people.

Significantly, this idea of the "New Negro," recurs in the history of the United States. Negro struggle, while constant as the Mississippi River, tends to be especially turbulent at particular times, just like Old Man River. Invariably these high points of struggle evoked expressions of alarm and puzzlement, and regret that the "Old Time Negro"—concocted in the master's dreams—had disappeared. One gets this in the colonial press from 1720 through 1740; in the press of the Young Republic from 1790 to 1802; the slave-owners scream that the damned Abolitionists have created a "New Negro" from 1821 to 1832. So it goes through the Civil War and Reconstruction, the Populist movement, Niagara and the founding of the NAACP, the renaissance of the 1920's, the militancy of the New Deal—and now here we are back again, learning nothing, admitting nothing, understanding nothing, and gaping with wonder

at the "New Negro" who seems really affronted by jim crow and wants to vote and live decently and drink a democratic cup of coffee and get a good education for his children.

The inspiring Negro youth of today are the true sons and daughters of heroic parents and grandparents, who themselves learned courage, endurance, ingenuity and the will to be free from *their* parents and grandparents before them.

"Liberty or Death" was the slogan of Gabriel Prosser, the 22-year-old slave blacksmith of Virginia in 1800; "die silent as you shall see me do" was the cry of one slave prisoner to another, as he saw his comrade begin to yield to the torture-devices of the Charleston police in 1822; "I do not feel *guilty*" was Nat Turner's reply in 1831 to the slaveholders who came to torment the insurrectionist, loaded down with chains as he was in a Virginia jail. Tens of thousands fled slavery—moving only by night, advertised for like mad dogs, able to trust not a soul, covering hundreds and even thousands of miles—and made it, year after year, and in making it forged the greatest single epoch of perseverance and sheer bravery in the history of the United States. And ignoramuses, who tremble at a loud noise and find their courage only when, as part of an armed mob, they are lynching a single unarmed Negro, such ignoramuses marvel at the "New Negro"!

This insistence on the "New Negro" plays into the hands of the gradualists and moderationists, too, for it carries with it the idea that this "New Negro" is too impatient. This has a certain logic to it, if, indeed, the Negro people in the past were content with their chains and adored jim crow; if now, suddenly, something "new" had appeared and change is wanted all of a sudden! But, of course, the chains have been worn *and have rankled* for over three hundred years.

And now—almost a decade after the Supreme Court called for "all deliberate speed" in the eradication of segregated education—one finds that over 90% of the southern schools remain completely segregated, and that in most of the others the desegregation has been of a token kind. Certainly there has been "deliberation" here, but what about the "speed"? Moderationism and gradualism always have been devices for thwarting significant change and for curbing the wrath of the masses; for maintaining—with only the essential concession and elasticity—the system of exploitation and indignity. If further proof were needed of this, the history of the years since the 1954 decision of the United States Supreme Court is that proof.

Is there anything at all new about the Negro movement today and the temper of the Negro people? Of course there is; so, too, did Frederick Douglass differ from Nat Turner; and Martin Luther King differs from Richard Allen. But there is one essential that is not "new" and that is the fact that from Richard Allen in the 18th century to Nat Turner in the pre-Civil era to Frederick Douglass of the Civil War and Reconstruction epochs to the Reverend King of today, the inspiration has been the passion for freedom, and the goad has been the discontent with slavery and second-class citizenship.

Frederick Douglass, for a time, finally got most of the country, and the United States Government educated up to the point of seeing that his demands were necessary for the national interests as a whole; instead of hanging him for seeking what Nat Turner had sought, the President of the United States invited him to the White House to seek his advice as to how best to eliminate slavery and save the Republic.

Today, the struggle of the Negro people in the United States for basic democratic rights and for full equality has gained the deepest sympathy of all enlightened mankind; and in one-third of the world enlightened mankind constitutes the ruling power, the states, the governments. And in much of the rest of the world—Africa in the first place, and in Southeast Asia, Italy, France, Great Britain, and Latin-America—the government of the United States finds itself measured and condemned by what it does and does not do as far as the Negro people are concerned. At home, the numbers of white people who wish well to the Negro people in their struggles count many millions; increasingly, also, tens of thousands among them are understanding the basic connection between their own welfare, the progress of the nation, the security of world peace and the elimination of the jim-crow system.

So, now, the Negro people, about twenty million strong, and over three hundred years denied their freedom; having behind them centuries of splendid history and magnificent leadership and immortal sacrifice; feeling the rising swell of international comradeship in a world moving irresistibly towards full popular sovereignty; sensing the increasing good-will of millions of fellow Americans who are white and, at least, the growing uncertainty of other millions of white Americans as to the righteousness and viability of racism; knowing their own decisive power in the trade-union movement and in the politics of the nation; comprehending the instrument that lies

in their economic might, both as consumers and as producers—now, the Negro people are striking out straight and true, without compromise and with intense seriousness, for “all the marbles”—for full equality and first-class citizenship in our own time.

This movement carries within it enormous potential—for smashing the two-party system and really revitalizing American politics, for organizing the South and invigorating the entire trade-union movement, for basic political and social changes in the South, thus removing a fundamental bulwark of reaction from the grasp of the ruling class. *The successful struggle against slavery saved the soul and the body of our Republic once; the successful struggle against jim crow can save the soul and the body of our Republic again.*

Arna Bontemps, the Negro novelist and poet—of an age to be among the fathers of the present generation of militant Negro youth—in a fine poem, *A Black Man Talks of Reaping*, spoke of “my children” who “feed on bitter fruit.” On this food, they have become strong men and women, as another poet, Sterling A. Brown—also, in age, among the fathers of the present fighters—said in his poem *Strong Men*:

*What, from the slums
Where they have hemmed you,
What, from the tiny huts
They could not keep from you—
What reaches them
Making them ill at ease, fearful?
Today they shout prohibitions at you
“Thou shalt not this”
“Thou shalt not that”
“Reserved for whites only”
You laugh.
One thing they cannot prohibit—
The strong men . . . coming on
The strong men gittin’ stronger
Strong men . . .
Stronger . . .*

Amen.

CHAPTER THREE

The National Scene

FROM PALM BEACH, Florida, the Attorney General of the United States at the close of December 1961, reported to his brother, the President, that the Department of Justice “had made important progress in the civil rights field in 1961.” Robert Kennedy wrote: “I can report to you that the law enforcement officers and civic leaders in the vast majority of communities have met their obligations.” Particularly in the area of employment, the Attorney General noted “tremendous success” so far as the Federal Government, and corporations working under government contracts, were concerned.

These joyous tidings naturally were placed on the first page of the *New York Times*; the rather somber dissenting opinion of Mr. Clarence Mitchell, Washington representative of the NAACP—who may be presumed to have some acquaintance with the field of civil rights—somehow was confined to a two-inch item on page 24 of the same paper. Space was found for one sentence from Mr. Mitchell:

The Attorney General’s report has a little too much sweetness about how wonderfully the states are cooperating in suppressing violence and not enough light on what the Government will do to halt the violations of constitutional rights and shocking brutality in the [Civil Rights] Commission’s reports.

It is very possible that the Attorney General has not found time to read the volumes making up the 1961 *Report of the United States*

Commission on Civil Rights. Indeed, one of the six members of the Commission—who has served on it since its inception in 1957—the Reverend Theodore M. Hesburgh, President of Notre Dame University, in a personal and passionate Statement appended at the end of the Report, even suggested that the Report might go largely unread. “I believe, as my fellow Commissioners do,” he wrote, “that a report should be objective and factual. But, unless there is some fire, most governmental reports remain unread, even by those to whom they are addressed: in this case, the President and the Congress.”

Actually, there is plenty of fire in the five volumes of the *Report*.^{*} Indeed, the contents have an explosive quality; it is quite perilous that the Chief Executive of the nation and the leading official of what is called the Department of Justice still give this insufficient attention.

Let us examine, briefly, each of the volumes of the 1961 Report of the United States Commission on Civil Rights. We shall later supplement this with the 1963 Report of that Commission.

VOTING

In the area of voting, The Commission concentrated its attention upon the 137 counties in eleven States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia—wherein more than half the population consisted of Negroes, totaling in these counties 1,641,000 men, women and children. Having neither the time nor the facilities to investigate each of these, the Commission arbitrarily selected seventeen for particular examination.

In these seventeen Black Belt counties, the U.S. Commission found that, *at the most*, three per cent of the Negro men and women voted; put another way, in these counties, where there was the *least* inhibition of voting by the Negro population, *ninety-seven per cent* did *not vote*. Further, in these counties, said the Commission, housing

^{*} Book One: *Voting* (380 pp.); Book Two: *Education* (254 pp.); Book Three: *Employment* (246 pp.); Book Four: *Housing* (206 pp.); Book Five: *Justice* (307 pp.). These volumes are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C. In addition, there is *The Fifty States Report Submitted to the Committee on Civil Rights by the State Advisory Committee* (687 pp.; Washington, 1961, Government Printing Office).

was abominable, education almost completely absent, there was one Negro lawyer, there were no libraries for the Negro citizens, no pavement, no garbage collection, no street lights and their only contact with Courts was as janitors or defendants. None ran for office, none held office, none had anything to do with law enforcement, except insofar as they were the main objects of what law enforcement there was. These 17 counties, we repeat, were selected by the United States Commission as representative of the 137, in which lived over one million six hundred thousand American Negro citizens, in the year 1961.

The Commission points out that this condition, with regard to suffrage, stands in direct and flagrant violation of one Article and two Amendments of the U.S. Constitution and of a Federal statute passed in 1929. The 1929 law requires the President of the United States to submit to Congress, every ten years, an authenticated account of the population in each State, and to inform Congress whether or not representation is in accordance therewith. Presidents of the United States hitherto generally have ignored this statutory obligation; the latest opportunity to fulfill it came in January 1961, but once again the President chose not to obey the law. The Commission suggests that the next opportunity will come in January, 1971, but at least one reader wondered if there were not some relief open to citizens in a case where the Chief Magistrate, sworn to and obliged to execute the laws—and this 1929 law specifically directs action from the President—does not do so.

The Article in the Constitution violated by the conditions described by the Commission, is the Fourth, which states that the United States must guarantee to each State a republican form of government. The Commission correctly notes the precise characteristics required to satisfy this Article have not been settled, but it adds that certainly one is that the majority of the citizens must, in fact, participate effectively in the political life of the State.^{*} The Amendments of the Constitution which are violated by this condition are, of course, the Fourteenth and the Fifteenth, in that the suffrage is being denied illegally and that the States practicing this are not being pe-

^{*} Madison, for example, in *The Federalist*, No. 39: “We may define a republic to be . . . a government which derives its power directly or indirectly from the great body of people . . . It is *essential* to such a government that it be derived from the great body of society, not from an inconsiderable portion, or a favored class of it. . . .” One may note, in this connection, the current effort of the ultra-Right to contrast a “republic” with a “democracy.”

nalized, as the Constitution directs, by having representation proportionately reduced.

The Commission also reports that throughout the Nation the suffrage has been vitiated not only directly by racism but also through the devices of malapportionment and gerrymandering. Hence, it concludes: "In most States, voting districts for Federal and State legislatures are so far from equal in population as to cause gross disproportion in representation." Both practices, of course, are grossly violative of elementary democratic practices; both of them, and especially gerrymandering, as the Commission finds, are directly connected with racist policies. This, it adds, "dilutes the votes of millions of citizens"—that is, of those who *do* vote, let alone the millions who—"through economic reprisals, purges from registration rolls, restrictive voter-qualification laws, arbitrary registration procedures"—are denied the right to vote altogether. No more graphic illustration can be found of the truth that to deny freedom to the Negro people is to vitiate freedom for all in the United States. The Commission put it this way:

So in 1961 the franchise is denied entirely to some because of race and diluted for many others. The promise of the Constitution is not yet fulfilled.

EDUCATION

In the area of education, the U.S. Commission finds that from 1959 through 1961, "only forty-four school districts in the seventeen Southern and border States initiated desegregation programs." Seven years after the Supreme Court unanimously had found segregation in education to be unconstitutional and had ordered its termination "with all deliberate speed," the fact is that 2,062 school districts in the South wherein both white and Negro pupils were enrolled had made no move whatsoever to comply. There were 775 districts in which some move had been made, but most of these had just begun a very dubious and tortuous twelve-year "progression" plan; "others, by making all initial assignments by race and placing the burden of seeking transfer on Negro pupils—often under extensive pupil-placement procedures—have kept at a minimum the number of Negroes in attendance at formerly white schools."

Not a single school district in Alabama, Georgia, Mississippi and South Carolina has taken any step whatsoever towards desegrega-

tion; and only one district in Florida and only one in Louisiana have taken any such step. Several legislatures, on the other hand—especially Louisiana, Virginia, and Georgia—have taken many steps and passed many laws with the explicit purpose of defying the law of the nation. In sum, in 1961, 93% of all Negro children in the South were attending totally segregated schools; of the remaining 7%, desegregation was mostly of token variety.

Furthermore, stated the Commission, the Federal Government itself does not have clean hands on this question. Thus: "Many dependents of military personnel are still attending segregated off-base schools in the Southern States." And, while public libraries received considerable financial assistance from the Federal Government, and while many of the libraries being so subsidized forbid Negroes to use their facilities, the Federal government has not discontinued the flow of funds.

Outside the South, moreover, with jim-crow housing the rule, the Commission finds that while "segregation by race, color, religion, or national origin is not officially countenanced, it exists in fact in many public schools. . . ."

The Commission's overall conclusions on education, while foreseeing some "anticipated advances," is far from optimistic. On the contrary:

. . . the threat of more school closings, reduction of financial aid to public school systems by tuition grants for attendance at private schools, tax credits for contributions thereto, and repeal of compulsory school attendance laws are weakening public education in some parts of the land—when the national interest demands strengthening.

The latter remark, as ensuing lines make explicit, has reference to the advances being made in the Soviet Union in bringing education to its citizens—not the only mention to be found in this U.S. Commission's *Report* of the challenge the Soviet performance represents to our own nation.

EMPLOYMENT

The Commission's *Report* on employment makes clear that discrimination in this area is universal throughout the nation. The Commission's summary of most important findings reads:

Negro workers continue to be concentrated in the less skilled jobs . . . Negroes are also disproportionately represented among the unemployed . . . The depressed economic status of Negroes is the product of many forces, including the following:

Discrimination against Negroes in vocational as well as academic training.

Discrimination against Negroes in apprenticeship training programs.

Discrimination against Negroes by labor organizations—particularly in the construction and machinists' crafts.

Discrimination against Negroes in referral services rendered by State employment offices.

Discrimination against Negroes in the training and 'employment' opportunities offered by the armed forces, including the 'civilian components.'

Discrimination by employers, including Government contractors and even the Federal Government.

The Commission makes clear that the disproportionately high rate of unemployment among Negro workers represents economic catastrophe rivaling the worst period of the thirties. Thus, the percentage of the Negro work force found to be unemployed, early in 1961, in industrial cities was:

Detroit	39 %	Marion, Ind.	25 %
Fort Wayne	44 %	St. Louis	20 %
Louisville	39.8%	Tulsa	30 %
Gary	40 %	Wichita	24 %
South Bend	70 %	Canton	20 %
Cleveland	20 %	Akron	21 %
Kansas City, Mo.	25 %	Phoenix	29 %

The sharp discrimination endured by Negro workers in vocational, craft and technical training tends not only to perpetuate but to intensify the special employment hardships. This is true because technological developments are increasing the need for more and more skilled workers. The *Report* estimates that for every 100 skilled workers the nation had in 1955, it will need 122 in 1965 and 145 in 1975. The general educational program is lagging behind these needs; but the altogether discriminatory character of that program is especially threatening to the Negro people. Again, the Commission invokes the challenge from the world of socialism: "Discrimination in such programs is a waste of human resources which

this nation can ill afford, particularly during an era when it is being challenged to develop to the utmost all the human and material resources at its command."

The Commission emphasizes that the Federal Government, by what it does and does not do, directly participates in strengthening the jim-crow pattern in employment; it affirms, also, that in these negative and positive patterns of behavior the Federal Government acts contrary to law.

Unlike Attorney-General Kennedy's 1961 Report to President Kennedy—which congratulated the Administration on advances made particularly in the work of the President's Committee on Government Contracts—the Commission's *Report* insists that that Committee has been functioning ineffectively. It comments in particular that when this Committee finally does get around to hearing complaints about discriminatory employment on the part of corporations operating on Federal contracts, the bureaucratic red-tape and heartlessness smother everything, except the profits of the discriminating employer. It cites as an instance the complaints made in April, 1955, against five major oil corporations and remarks that three years later, "the cases had not only not yet been settled, but the complainants had received no report from the Committee of the status of the complaints or of any progress made."

HOUSING

The Commission finds that discriminatory housing patterns are characteristic throughout the nation. It notes, very briefly, that such patterns afflict Spanish-speaking people, Jews, Asians, and certain South European peoples—especially Italians and Greeks. Above all, however, it hems in the Negro American.

The Commission warns that "the housing disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing." It is in this Report on Housing—where the facts are so glaring—that the Commission comes closest to touching upon the class-relationships that create, dominate and ultimately determine the jim-crow pattern of American society. In its words: "It is real estate brokers, builders, and mortgage finance institutions, which translate prejudice into discriminatory action." It notes, too, the special responsibility of the Federal government in this area, and the fact that here—and socially speaking, it is housing

that lies at the base of discriminatory patterns in the nation—that Government has done very little. In the Commission's words:

The Federal Government, of course, is deeply involved . . . As of June 30, 1959, \$105 billion of public credit and money had been used in Federal housing and related programs. Federal funds and influence, in sum, pervade the private housing market, but they have not been used extensively to restrain the discrimination that flourishes there. Seventeen States and numerous cities have enacted laws and ordinances prohibiting discrimination in housing. Congress has remained silent.

In a more directly accusative form, the Commission later finds: "Federal programs, Federal benefits, Federal resources have been widely, if indirectly, used in a discriminatory manner—and the Federal government has done virtually nothing to prevent it."

The Commission reports that the private housing and home finance industries depend heavily upon benefits flowing from the Federal government. It continues:

They profit from the benefits that the Federal government offers—and on racial grounds deny large numbers of Americans equal housing opportunity. At all levels of the housing and home-finance industries—from the builder and the lender to the real estate broker, and often even the local housing authority—*Federal resources are utilized to accentuate this denial. This is the central finding of the Commission's present study. (Italics added.)*

JUSTICE

While the fifth volume of the Commission's 1961 Report is entitled *Justice*, it contains material dealing with additional matters. Thus a section of the book, consisting of some sixty pages, is devoted to "The American Indian;" another part is the concluding section of the entire Five-Volume Report, and in ten pages, entitled "The Need for Broader Action," summarizes the nature of the Recommendations that the Commission urges upon the President and Congress.

The section on the American Indian—for the past generation a growing population, now numbering about half a million—presents a valuable historical introduction, an examination of their unique

legal status, and the pattern of discrimination which confronts the Indian in every aspect of life, economic, social, and political.

That part of the fifth volume with which we now wish to deal is entitled "Equal Justice Under the Law;" this however, is more inclusive than the actual contents warrant. It describes police brutality and "private" violence indulged in with the connivance of the police; also considered are existing federal criminal and civil sanctions directed against such brutality, as well as certain state and local laws and practices which are supposed to be directed against it. In addition, an excessively brief chapter deals with jury exclusion; this is followed by "findings" and "recommendations."

On the whole, the language in this volume is more "diplomatic" than that found in the other four volumes; a reason may be that when one comes to the enforcement of the law and violations therein, he is approaching the vital nerve center of the State itself. After all, traditionally, housing or employment are largely "private" matters; and even education and voting are matters historically identified with "state's rights" questions, and are enmeshed, too, in differing kinds of "theories" that also serve to obscure basic political matters. But when one comes to the administration of justice, then the ideas of "equality before the Law" and "one's right to his day in Court," and the need for "impartiality" are so deeply ingrained, that to discover that all have been flagrantly violated may force one to a reconsideration of the nature of the society so afflicted.

Verbal perfumery, then, abounds in this volume; still, the rot is so pronounced that when the facts emerge, the stench permeates everything. Indeed once in a while, in this very Report, hints are offered that the inequities and gross injustices that characterize "justice," as actually administered in the United States, relate to class position—that, while the poor need it, only the rich can afford it. In a class-exploitative society, "adorned" by a fierce racism, the objects of that racism—being also the poorest of the poor—may expect crucifixion at the hands of the "forces of law and order," and they will be rarely disappointed.

The chronic character of this injustice in the name of justice is commented upon in the Report itself:

In 1931 President Hoover's Wickersham Committee found extensive evidence of police lawlessness, including unjustified violence. Sixteen years later another Presidential Committee, this one appointed by President Truman, concluded that police bru-

tality, especially against the unpopular, the weak, and the defenseless, was a distressing problem. And now in 1961 this Commission must report that police brutality is still a serious problem throughout the United States.

This does not mean that even in a capitalist and racist society nothing effective can be done about questions of justice, including police brutality or violence. On the contrary, certain gross forms of injustice and violence have been reduced; this is notably true, of course, in that ultimate horror of lynching. While in the past, hundreds of lynchings were reported yearly, this is no longer true; the change has come about because of exposure, organized and militant protest, and considerations of international needs and pressures. Furthermore, the whole struggle against injustice is part of the necessary effort to transform the system needing and breeding such injustice. Moreover, in individual cases, exposure and struggle may remedy or limit particular injustices; they may also put the fear of the people's wrath in the hearts of officialdom, and this can never be anything but salutary.

The fact is, however, that today, everywhere in the United States, the minority peoples, and especially the Negro people, face institutionalized injustice, and the ever-present danger of beatings, clubbings, pistol-whippings, and more extended and systematized torture at the hands of police or private groups acting with the cooperation of or the connivance of the police.

The Commission reports that its "studies indicate that police brutality in the United States today is a serious and continuing problem in many parts of the country." It finds that "illegal violence by officers of the law casts a cloud of suspicion over the entire system of American justice." The Commission quotes a Southern white attorney—whose identity it must hide to protect him: "I see my clients beat, abused and run over all of the time and there is nothing much I can do, because when I try in Federal Court I wind up with the hell beat out of me."

The Civil Rights Division of the Department of Justice received 1,328 complaints of police brutality in a two-and-a-half year period ending in the spring of 1961; only 42 civil suits alleging such brutality, however, were filed by the Department and of these *not one resulted in a verdict for the plaintiff-victim*. In that same period, 52 criminal prosecutions were undertaken by the Department, but of these 46 resulted in acquittals. Since, as the Commission reports,

most cases of police brutality never reach the Department of Justice at all, it finds it "probable" that "thousands of acts of [police] brutality were committed in this country."

The Commission reports that current Federal and local laws are altogether inadequate. It also reports that the F.B.I. shows a distressing lack of interest in cases involving police brutality; that, in fact, as an Agent (unnamed) told the Committee, "he does not turn civil rights cases over to the Bureau, because they don't like them." Many United States Attorneys also were found by the Commission to "have consistently opposed the prosecution of police brutality cases." In any case, the Commission also notes, the existing federal legislation dealing with the punishment of police brutality "is inherently restricted [and] their range is short." This, combined with "the absence of effective State action," results in the kind of condition vividly indicated in the remarks of the southern white attorney already quoted. Hence, to use the Commission's summary:

... At the present time the constitutional rights of a significant number of American citizens are being invaded by acts of police brutality. Their rights are not being secured and protected. This problem is not being adequately handled by State or local officials. A Federal statute makes such action a crime; yet the number of prosecutions under this statute is small. The number of convictions, smaller yet. This is a distressing situation.

The only other aspect of racism in administration of justice dealt with by the Commission's Report is that of jury exclusion; nothing is said about the systematic exclusion of Negroes from the administration of justice itself or from those entrusted with the enforcement of law. Of jury exclusion, the Commission's study leads it to this conclusion:

The practice of racial exclusion from juries persists today even though it has long stood indicted as a serious violation of the 14th Amendment. As a result, the bar of race and color is placed at the only gate through which the average citizen may enter for service in the courts of justice.

The U.S. Commission on Civil Rights, in its Report on Justice, limited as that is, proves conclusively and authoritatively that administration of justice in the United States is white supremacist to the core, and that this charge is applicable not only to the State governments but also to the Federal Government itself.

CHAPTER FOUR

The Non-Southern States

IN THE PREVIOUS pages we examined the national scene as depicted in the five volumes of the 1961 *Report of the United States Commission on Civil Rights*. These dealt with aspects of the systematic violation of the democratic rights of millions of American citizens in the areas of voting, education, employment, housing, and justice. We wish now to direct our attention to a sixth volume issued under the auspices of that Commission; this is *The Fifty State Reports Submitted to the Commission on Civil Rights by the State Advisory Committee, 1961* (Government Printing Office, Washington, 687 pp.).

As the above title indicates, when the U.S. Commission on Civil Rights was established in 1957, it was authorized to set up, in each State, an advisory committee, of distinguished and representative citizens, to assist the federal body in its work. Each State now has such an advisory committee and the federal commission requested all fifty to submit reports to it as preparatory and complementary matter for its own *Report*. The federal body laid down no rules or guide lines for the State reports, and the character of the various State Committees differs markedly from State to State. As a result, the huge volume containing the texts of all fifty reports is quite uneven both in what subjects are handled and in the manner in which the data are presented. Some of the Reports are altogether formal and perfunctory; those of Arkansas, Florida, Hawaii, Illinois,

and Virginia, for example, say practically nothing in one or two pages. Others, though longer, are perhaps more culpable for they manifestly are clumsy efforts at obscuring or whitewashing reality; this is true of the Reports from Delaware, Oklahoma, Pennsylvania, and Texas.

The majority of the State Reports, however, show serious effort, and reflect a more or less intense hostility to violations of civil rights, or at least to the gross violation of such rights. This is especially true of several of the Southern States; here the Negro and white men and women making up these advisory bodies have demonstrated great courage. Included in this category of high honor are Alabama, Georgia, Louisiana (the longest and best of all the Reports), Mississippi, North Carolina; some of the Border States—Missouri, Kentucky, Tennessee—delivered illuminating surveys; and the Reports from New York, Ohio, Connecticut, Michigan and Rhode Island are eminently worthwhile. We turn now to a summarization of the State Reports; this shall be done under three headings: The Non-South; the Border States; the South.

* * *

The Report from *Alaska*, where the relevant population figures were 174,000 white and 51,000 non-white, was quite outspoken. It concentrated mainly on the housing situation, particularly insofar as Indian peoples were concerned; here, the Report found, "discrimination is remarkable not for its subtlety, but for its bluntness." The overall picture led the Committee to describe the civil rights picture in Alaska as "appalling."

From *Arizona*, the State Committee reported that racial minorities—mostly Indian and Negro peoples—totaled over 130,000 or about 11% of the entire State's population. In housing, employment, and—to a lesser extent—in public accommodations, this 11% of the State's citizens "are arbitrarily and severally restricted." The administration of justice was marked by anything but justness, but here the Committee felt "there is more discrimination because of social or financial position than because of racial descent." In terms of avowed policy, integration in education prevailed in the northern part of the State, but in the southern part, segregation remained the deliberate choice of the administrators. Aside from what was avowed, the actuality everywhere in the State as to education was conveyed in this sentence: "School segregation that comes about

as a result of segregated housing patterns, rather than of deliberate policy, is fairly common."

In examining each of the fifty Reports, it was noted that in many of the States certain individual peculiarities existed which intensified, in some particular form, the general national pattern of violation of civil rights. In *Arizona*, as an instance, the Committee commented that in all state voting on bond issues, assessments and elections to school boards, only real property owners were permitted to participate. "These property qualifications," said the Committee, "tend to disfranchise many in the minority groups."

The Report from *California* was disappointingly brief; it confined itself to the single area of housing. Here the Report limited itself to the findings, and offered a minimum of substantiating description or data. The findings, however, showed that in housing "sharp discrimination" was widespread, and that this included forms of public accommodation, particularly motels and trailer courts. The Committee noted that colored students from foreign lands were effected and affronted by this condition, and that it did not help the diplomatic status of our nation. Generally speaking, said the Committee, ghetto conditions faced minority peoples in California; it added that the so-called urban-renewal projects so far undertaken had served to intensify the racist patterns in housing.

Among the fuller Reports is that of *Connecticut*, where about 125,000 Negro and Puerto Rican peoples now live. The Committee remarks: "Connecticut is extremely fortunate in that the principle of equality of treatment for all races has been accepted and the law and enforcement agencies are doing just about all that law and enforcement can do." The data offered, however, hardly sustain this note of congratulation; they show, rather, how empty many paper advances may be, and they certainly indicate that far from everything possible is being done by law and enforcement agencies.

The Committee itself reports that discrimination in housing is, in fact, intense, and that in the recent past, as the numbers of Negro and Puerto Rican peoples have sharply risen, their rents have "skyrocketed." In the last few years, says the Report, "more segregation" rather than less has been characteristic; thus: "Schools are becoming almost wholly of one minority group or another. Public facilities, such as parks, libraries, and playgrounds, are in the same position." In an immediate sense, of course, all this follows from the intensification of the ghetto nature of housing. In this connection,

this Report notes that a quasi-ghetto condition is typical for the Jewish population—very few of the Reports, incidentally, even mention Jews—and comments that a school in West Hartford now has a student body that is 95% Jewish.

The Report observes that while segregation in education is legally forbidden, it in fact exists. It finds that dropouts at the high-school level are 60% higher for Negro students than white, and observes that out of 1,700 graduates from the University of Connecticut in 1960, exactly two were Negroes!

It must be said for this State Committee Report that in its concluding section, it does note that "the main struggle is still ahead," and that its goal is "that nonwhites, Jews, and other groups shall have the same freedom to choose their place of residence, their mode of social activities, their schools, and their occupations as others do, and no more." While, of course, class considerations are ignored when it comes to examining the realities of "the same freedom," still, within the limits of a State Advisory Committee, the goal here projected is a very worthy one, whose achievement still lies in the future. That this is admitted for Connecticut also serves to illuminate certain realities of life in one of the most advanced states within the supreme bastion of the Free World.

The reports from Hawaii, Idaho, Illinois, Indiana and Iowa are so short—ranging from one to four pages—as to verge on the perfunctory. Still, even here, certain significant data are brought forward. Thus, the *Idaho* Committee notes the prevalence of more or less overt forms of racist discrimination in housing throughout the State; it concludes: "the unspoken gentlemen's agreement among real estate dealers and others to maintain restrictive housing patterns prevails."

It is unfortunate that the *Illinois* Report covers less than three printed pages, for in that State, from 1950 to 1960, the Negro population increased by over 60% (the white population by 12%) and it now numbers over one million people, as compared with nine million whites. The Report does comment, however, upon the condition which is making daily headlines, especially in Chicago namely, that *de facto* segregation in education is present and is intensifying. In the words of the Committee: "Ninety per cent of the elementary pupils in Chicago attend schools which are predominantly of one race."

The *Indiana* Committee's Report is also excessively abbreviated.

In this State the pattern of population growth is very similar to that in Illinois: from 1950 to 1960, the Negro population has increased almost 56%, while the white has grown not quite 17%; today, Indiana contains about 4.4 million white inhabitants and about 275,000 Negro people. The Report affirms that a pattern of discrimination is prevalent in housing and employment throughout the State, and that the latter is true of many corporations—such as General Motors—enjoying huge government contracts. It notes widespread discrimination in certain of the craft unions—especially the printing trades union. Attention is called here, as in other State reports, to the fact that a Negro real-estate agent is barred from membership in the local affiliate of the National Association of Real Estate Boards, and that, therefore, he is forbidden to use the appellation "realtor," which is a registered mark under the Federal law (the Lanham Act of 1946). The Committee raises the very pertinent question of whether it "is consistent with Federal policy" to permit a national organization to register a professional term and then bar that term to any Negro through the process of refusing membership to Negroes. Is not the Federal government here clearly helping to sustain discriminatory practices and patterns?

The *Indiana* State Report is one of the very few that pays any attention to discrimination against Jews. It states that there are sections in Indianapolis—let alone less developed areas of the State—where Jews are barred altogether, and other sections where rigid quota systems prevail.

In *Iowa*, though the Negro population is growing at a rate six times greater than that of the white, still Negroes number less than 30,000 or only 1% of the State's total population. Nevertheless, says the State Committee's Report, discrimination in housing and in employment is flagrant, and present developments threaten a further deterioration in the conditions. The Committee emphasizes, also, that official administrative procedures, in such matters as justice, law enforcement, public relief, are all marked by gross discrimination.

Among the somewhat fuller Reports is that from *Kansas*, where 100,000 Negro people—some 5% of the total population—live. Again the general discriminatory pattern was admitted; it was noted, also, that this applied, in somewhat muted form, to the Mexican-American section of the population, but no statistics were offered. Since housing is generally segregated, education follows the same pattern;

the Committee adds, however, that even where complete housing segregation is not present, the authorities seek to force segregation in education and in some cases require Negro children to travel five times as far from their homes as they would have to if the educational pattern were marked by equality.

This Report is one among several which notes that the State Employment Service, though financed by Federal funds, nevertheless follows a discriminatory policy. Although this violates law, it is common in practice. Similarly, while a State law forbids discrimination in public accommodations, generally speaking, the law is laxly enforced and such discrimination, therefore, is widespread. In housing, the universality of the racist pattern again is confirmed; again, too, the Committee fears that the prevailing bad conditions are worsening. It notes, for example, that in Kansas City, where almost 30,000 Negro people live, there were just 30 newly-constructed homes available to Negroes in 1950, and exactly 15 such homes available in 1960!

This Committee, in commenting on the housing crisis, warns that persistence in segregation makes certain the defeat of urban renewal plans. In its words:

Housing segregation also jeopardizes the success of urban renewal activities. Slum clearance projects that force displaced minority families into other, already overcrowded, ghetto areas will never succeed in rehabilitating a city.

This is still another example of the centrality of the Negro question to American life in general, in particular the centrality of the struggle against racism to the entire democratic struggle.

One of the distinctly fuller of the State Reports is that from *Michigan*, which covers thirty printed pages. Here, also, the non-Southern pattern of the very rapid growth in numbers of Negro residents appears: from 1950 to 1960 the Negro population in Michigan grew by over 62%; the white by over 19%, and the Negro population now numbers about three-quarters of a million, or 10% of the total in the State.

While the emphasis in official and semi-official propaganda has been on the allegedly remarkable "improvements" made in the status of the Negro people in the United States in the recent past, this Michigan Report, as so many of the other State reports, makes clear that in important areas of life the conditions facing

Negro people actually have deteriorated. This truth would have been even clearer if the Michigan Report had dealt with employment, for the rate of unemployment among Negroes in Michigan is twice as high as the already very high rate afflicting white workers. The Report, however, confines itself only to housing and education; in both these areas it emphasizes not only the critical nature of conditions, but that these conditions are worsening. As to housing, the Report, while noting some exceptions, gives this summary:

... the situation in regard to housing for minorities remains the same as described in the 1959 Report, or has become more serious: Negroes, and to a lesser degree, Mexicans and Puerto Ricans, are restricted to certain areas; the opportunity to secure new housing or to move into suburbs is denied them; the only dwellings available are, by and large, the oldest houses in the declining center of the city; and high rents are frequently charged for inadequate living quarters.

The Michigan Report is one of the few to touch on the particularly inhuman conditions facing migratory workers. In that State, about 70,000 migratory workers seek to scratch out a living—one-third are of Mexican origin, one-third are Southern Negroes, one-third are Southern whites—but most live "in chicken coops," and they "are tantamount to third-class citizens."

Nationwide publicity in 1960 in connection with the exposure of the blatant and institutionalized anti-Semitism practiced by real-estate corporations in certain Michigan suburbs has led to the promulgation of a new rule by the State, obliging real estate brokers "to offer their services to the public as licensees of the State without reservation because of race, color, religion, national origin, or ancestry"; violators were to have their licenses revoked. Litigation is tying up this Rule even before its implementation has been attempted; still it represents a step in a humane and egalitarian direction and merits emulation everywhere.

For Negroes, as has been stated, ghetto housing is everywhere the rule. But that today and in the State of Michigan there are whole cities where Negro families are forbidden to live may come as a shock even to sophisticated readers; the Report points out that in Owosso, a city of 17,000 people, and in Dearborn, a city of 112,000, Negroes are forbidden residence altogether.

The courageous demonstrations by students of the University

of Chicago, held late in January, 1962, to protest the fact that housing property owned by that University practices segregation, points up a fact brought forward in the Michigan Report. This notes that none of the universities in Michigan—except the University of Michigan in Ann Arbor—has made any attempt to terminate the discriminatory patterns in housing that prevail on their own campuses.

Education itself, the Committee states, is in fact largely segregated in Michigan; "the conclusion," it finds, "is inescapable that the problem of segregated schools is not exclusively Southern." It adds that, if anything, this discriminatory pattern is intensifying; as an example, it remarks that while in 1952 there were no schools in Grand Rapids having over 90% non-white students, at the end of 1961 there were three such schools in that city.

While in *Minnesota* the population growth of the Negro component is much faster than that of the white—an increase of 46% and 14% respectively—the Negro—and Indian (in Minnesota, this is relatively important)—peoples in the State constitute less than 2% of the total, or some 43,000. In the State, discrimination in housing is universal, and, as the Report says, "the intensity of the problem, as measured by concentrations of minority populations in well-defined urban sections, appears to continue to increase." The increase results from the so-called urban renewal programs, which, in fact, worsen the housing conditions of the most exploited. It also results from the swift rise in population.

Discrimination in employment was found to be chronic. It was bad in Minneapolis and St. Paul, and even worse outside those two major cities. Of 922 corporations in the State which took the trouble to reply to the Committee's request for information on hiring practices, only 183, or not quite 20%, reported employing *any* workers in *any* capacity who were Negro, Oriental, Indian, or Mexican.

In January, 1962, a momentary, minor news "sensation" was caused by the refusal of courtesies and services to several outstanding Negro athletes by places of public accommodation in Reno, Nevada. The normal double-talk ensued from various bureaucrats, and in a day the matter dropped from the press; but the Report from the *Nevada* Committee makes clear that discrimination characterizes conditions there.

Nevada has had a very rapid growth in the past decade—over 78%

—and now contains almost 300,000 people. Negroes moreover, have more than tripled, numbering only 4,000 in 1950 and reaching 14,000 now. Hence, together with the 7,000 Indians, the non-white population in Nevada now comes to about 8%.

As to discrimination, the State Report noted that in 1959 it had already said "that with respect to the availability of these accommodations [hotels, motels, restaurants], we found general discrimination to exist in the two areas of Las Vegas and vicinity, and Reno and vicinity." Further, the Committee "is now able to report, and does report as fact, that this general discriminatory situation is much more widespread than we reported in 1959 . . .". In addition, discrimination was found in the administration of justice, in housing, and in employment. As to the latter, this pattern existed in government hiring, too, including employment by the Federal government; witness the "serious allegations" made against the U.S. Naval Ammunition Depot in Hawthorne, one of the major installations of its type in the country.

In certain respects, the *New Hampshire* Report was markedly similar to that from Nevada. Again, while the total number of Negroes was small—only 2,000—the figure represents a very rapid growth, in fact, more than a doubling, since 1950. And even in the Granite State, its own Committee reported considerable discrimination in housing; it added, also, that discrimination was practiced by the authorities at the U.S. Naval Yard in Portsmouth. Special note was taken by this New Hampshire Committee that the State was one of the centers from which vile anti-Semitic propaganda flowed throughout the nation; it raised the question "whether there is any method of control by further amendment of the postal laws."

The Report from *New Jersey* was disappointingly meager. This was the more regrettable since in that State today live about 550,000 Negroes, or almost 10% of the whole population, and while the State's population grew by 25% in the past decade, the number of Negro people rose by 63%. Still, this Committee's Report came to less than ten pages, and confined itself largely to brief consideration of apprentice-training and migratory workers. Of the perhaps 25,000 migratory workers in the State, half were Puerto Ricans, and all faced systematic discrimination, especially in housing and in law enforcement. As to apprenticeship-training, it was found that 3,975 people were enrolled in the State's program; of these exactly four-

teen were Negroes! The Committee adds, in terms of comment upon this outrageous discrimination, that money from both the Federal and the State governments finance this program.

Certain points of particular interest appeared in the Report from the *New Mexico* Committee. In this State of nearly one million people, today about 8% of the total is made up of non-white, with some 57,000 Indian and about 17,000 Negro. There are in addition, a great many Spanish-speaking people in this State, of course, but while the Committee itself states that discrimination against them, particularly in employment, is severe, it does not indicate their numbers. The Committee reports that discrimination against Spanish-speaking people not only takes "normal" forms—lower pay, longer hours, etc.—but that in some cases employers forbid these workers to speak Spanish while in the place of work! This prohibition, furthermore, has been upheld by State courts.

Discrimination in employment and housing afflicts the Negro in New Mexico, of course; an additional wrinkle, for a non-Southern State, is noted by this Report, namely, no Negro is employed on the State police force. Discrimination against the relatively numerous Indian population in this State is flagrant and brutal.

The *New York* State Advisory Committee submitted a Report of less than 14 pages, and chose to devote almost all its space solely to the matter of housing. Here, as in the case of New Jersey, its brevity is regrettable, for in New York State the Negro population totals about one and a half millions, or very nearly 10% of the total. Moreover, the Puerto Rican population, which notoriously suffers severe discrimination, counts perhaps 700,000 people, but almost no mention of them at all is made. The question of anti-Semitism, by no means a minor one in the State, as increasing instances of anti-Jewish violence dramatize, is also completely ignored.

Yet, it must be said that the Committee was unequivocal in expressing its findings in that area which it did discuss. Here, in housing, it reported a pattern of widespread discrimination, a condition of serious crisis, and a tendency for the crisis to be sharpened rather than relieved because of the various housing projects now being undertaken. We cannot do better than to let the Committee speak for itself:

In spite of a great variety of ambitious and expensive plans for rebuilding New York City, blight and decay continue to

spread through both commercial and residential areas. Housing production for low-income and middle-income New Yorkers, especially nonwhites and Puerto Ricans, still lags far behind.

One of the most disturbing phenomena to witness year after year is to attend conferences of local urban renewal officials and never once hear the word "Negro" or "minority group," even though practically all their programs have bogged down because of the inability to solve the problem of relocation of Negro and Puerto Rican families. A "conspiracy" of silence prevails and it is as if they were "wishing" away the problem by refusing to discuss it openly.

The relocation plans submitted to the Urban Renewal Administration and then approved by that Federal agency are mostly fictional, illusory, and unrealistic so far as they affect the rehousing of minority groups.

The urban renewal plans in many communities may very well perpetuate racial, economic, and social segregation, and other forms of inequality . . . Too many of the plans we have studied will by the nature of their physical rebuilding programs and their site selection promote inequality and segregation.

As such populous States like New Jersey and New York disappointed by the brevity of their Reports, so did *Ohio*; in fact, its Committee filed a Report of less than six pages. Ohio's population growth has been rather similar to that of many other Northern States; that is, while its white population increased not quite 20%, its Negro population increased over 53%, and now equals about 800,000 people, or 8% of the total.

The Ohio Committee reported that in its State "we rarely find flagrant violations of civil rights"; it was true, nevertheless, that "the artificial barriers that prevent Ohio's Negro citizens from realizing their full potentials remain formidable." It viewed discriminatory housing as one of the basic sources for such barriers—and ignoring the question of what was the basis for *that*—the Ohio Committee decided to deal only with this one problem.

The Committee observed that the swift rise in numbers of Negro citizens in Ohio was most notable in major cities; thus, while 15.6% of the people in Cincinnati in 1950 were Negroes, in 1960, the percentage had risen to 21.8; in Cleveland comparable figures were, 16.3% and 28.9%. The Committee reported that real estate owners overcharged Negro tenants outrageously, rents for them being at

least 50% higher than charged for white people occupying comparable properties. Again, the Committee's own summary of its main findings deserves quotation:

Federal anti-discrimination policies in connection with housing programs seem to have little effect at the local level in Ohio. Builders and developers who make use of whatever Federal financial assistance is available to them, generally do not hesitate to exclude potential Negro buyers. Urban renewal programs frequently leave displaced Negroes with no alternative but to move into the already overcrowded remaining portions of their cities' Negro areas. Thus, Negro housing problems are quite often intensified by urban renewal programs.

The *Oregon* Committee's Report is perhaps the most optimistic of the Fifty. It is true that this State has one of the best Fair Employment Practices law in the nation; it also has a very strongly worded law barring discrimination in housing. Another law prohibits discrimination in places of public accommodation, and still another, enacted in 1961, prohibits discrimination in the sale of goods or the performance of services, including barbershops, beauty parlors and retail stores.

The State is 98% white in its population makeup; it now contains about 37,000 nonwhite people, of whom about half are Negroes. In carefully reading the body of the Report, however, while progress has come—and the passage of the above-mentioned laws reflected as they stimulated such progress—it is clear that the general pattern of living in Oregon is one of discrimination. In fact there are significant cities in the State—including its capital, Salem—where all but people of the "Nordic white racial group," as the Report puts it, are either kept out altogether or may be present in exceptional and purely token form. As to this Report, one wishes that the Committee had attempted some explanation of how and why such notable strides forward were made in the legal assault upon racism; from that inquiry no doubt important lessons applicable to other areas might have appeared.

Among the most disappointing Reports is that of *Pennsylvania*. For this State, where the Negro population has increased almost 35% in the past decade, and now equals nearly 900,000 or 8% of the total, the Report itself covers less than four pages. Even from this tidbit, however, the fact emerges that discrimination in housing, education, and employment for reasons of race—and, to a lesser

degree, religion—is still quite pervasive in the land of Penn. The Report, while generally taking an optimistic tone, admits that the conditions of migratory workers are dreadful, and there is no evidence of progress, concluding that here "future gains and improvements must be brought about by Federal legislation."

Through political and mass struggle some improvements, especially in hiring policies, have been induced. Notable was the passage, in 1961, of the Human Relations Act, which affirms as the stated policy of the State, the elimination of discrimination against any individuals or groups by reason of their race, color, religious creed, ancestry, age, or national origin, in the matter of employment, housing, and public accommodations; the law adds that the enforcement of this Act "shall be deemed a proper exercise of police power for the protection of the public welfare, prosperity, health, and peace of all the people." The proof is in the practice, of course, and no law is more effective than its enforcement; but in a formal sense, this Pennsylvania law of 1961 could well serve as a model not only for each of the States, but also and above all, for the Federal Government.

The numbers involved in *Rhode Island* are not great but certain important findings appear, nonetheless. Here, out of 860,000 people, 21,000 are nonwhite, or about 2.5%. Notable, however, is the fact that while the white population in the State grew in the past decade by 8%, the Negro grew by almost 32%, and it is likely that this trend will continue.

The Committee reports acute discrimination in housing, education and employment. Three schools in Providence today have more than 95% Negro enrollment; and in that city only two or three Negro youngsters finishing high school go on to any kind of advanced education; it adds that the Superintendent of Schools "was shocked to discover" this fact while preparing to appear before this Committee. In housing the Committee found acute segregation, and offered the opinion that "Rhode Islanders would be infuriated if they knew" the facts here; it would then clearly appear to be the duty of those who do know and care, to act so that the fury would be well-directed.

Very clearly stated in the *Rhode Island* Report is the connection between the elimination of segregation in housing and the resolution of the housing crisis. That this is felt to be true in Rhode Island, where the white population constitutes about 98% of the popula-

tion, only emphasizes how close is this connection throughout the nation. The whole urban redevelopment program, notes this report, has meant great hardships for Negro families, some of them being forced to move two or three times in a matter of two or three years. One is asked to consider "the damage to morale of a group of people forced to move like nomads from one ghetto to another." The Report concludes:

Metropolitan communities throughout America today are facing the stark reality that economic progress and physical renewal cannot continue unimpeded unless a practical solution is found for the problem of racial injustice.

The *South Dakota* Report takes up less than three pages; it is labelled a Report, then, purely out of courtesy. Since fewer than 1,500 Negro people live in the State the main question of civil rights here revolves around the 26,000 Indian inhabitants. One fascinating piece of information is present, however, in this State's Report. Living there is a group of religious communal utopians, the Hutterites, for all the world reminding one of the numerous experiments of that nature that marked United States history about twelve decades ago. How numerous these Hutterites are is not indicated; they are, however, utterly "un-American," preferring a simple life, shunning television and the movies as "unworthy amusements," and deeding all their property to the Hutterite association, for whom and with whom they then work "for the communal good."

Clearly all this is monstrous and seditious; hence, South Dakota passed a law in 1961 forbidding the Hutterites to expand their holdings; the Hutterites, in their simple-minded way, think this legislation violates the First and the Fourteenth Amendments to the Constitution and litigation has begun.

In *Utah*—possibly because of the strong racism characteristic of original Mormonism—conditions of discrimination are very marked for a non-Southern State. Utah, together with Wyoming, are the only such States still retaining so-called anti-miscegenation marriage laws, thus making statutory an insult to all colored peoples. The State Committee reports that there are *no* Negro teachers in the Salt Lake City educational system, and almost none elsewhere in the State; it even reported discrimination in Pullman service within the State. Most places of public service and accommodation draw a sharp color line. In employment and housing the pattern here was as elsewhere in the nation; in Utah it effected Mexican-Americans almost as

sharply as Negroes. Furthermore, according to the Committee, as more and more skilled work became required—especially with missile and electronic developments in the State—"employment opportunities seem to be diminishing rather than expanding" for both peoples.

In 1961, the Utah Legislature rejected an "extremely limited public accommodations bill"; this failure and the sharpening character of the racist pattern led this Committee to conclude with the most forthright recommendations to be found in the entire volume:

The Committee feels that nothing can be gained by further study or committee investigation: the facts are now clearly established and the need is critically apparent. We now look to Washington for the needed action: (1) new legislative provisions, particularly in the field of housing, where Federal funds are used directly or indirectly, or where loans are insured or guaranteed by a Federal agency, and in the employment practices of contractors or suppliers to the Federal government or any governmental agency; and (2) more vigorous and effective enforcement by the Department of Justice and Federal agencies (such as the FHA, VA, FNMA) of existing statutory sanctions.

The Utah Report is unique, also, in that it is the only one of the Fifty which devoted a sub-section—true, only of one paragraph—to discrimination against Jews. It affirmed that there was "very little anti-Semitism in Utah"; but one wonders, since it goes on immediately to point out that "discrimination in social organizations" exists. It also adds that "there is one sore spot," and that is that an ultra-Right group, using a Salt Lake City post office box, is flooding the country with "scurrilous and inflammatory anti-Jewish publications."

In the State of *Washington* there has been a very great growth in the Negro (and Indian) population in the past ten years; these have grown 59% and 53% respectively, while the white population has grown almost 19%. As a result, today the non-white population in the State comes to over 100,000, or about 4% of the total. In certain cities, the population growth disproportion has been simply phenomenal: in Seattle, for instance, while the white population grew by 3% from 1950 to 1960, the number of Negro residents in that city leaped by 70%. The State Committee's Report makes clear that discriminatory pressures against Negroes in Washington, in housing, education, and employment, have *intensified* in the recent past.

Wisconsin has shown a very great percentage of increase of Negro population; there, while the whites increased in the past ten years by nearly 14%, Negroes increased by over 164%. As a result, there are today over 75,000 Negro people in Wisconsin; together with the Indian population, the non-whites equal almost 100,000, or about 3% of the total. The State Committee Report, while referring with justifiable pride to the relatively enlightened record of Wisconsin on matters of racism, does indicate that ghetto conditions in housing have worsened, especially in Milwaukee, and that *de facto* segregation in education is now present through much of the State.

Wyoming is the only non-southern State to show a decline in its percentage of Negro residents from 1950 to 1960. The State as a whole has only 7,200 nonwhite inhabitants, of whom over 4,000 are Indian; one would think, then, that it might not have too much difficulty living up to its title, "The Equality State." But, alas, this is not true. The State has an anti-miscegenation law, directed against Asians and Negroes, and in its institutions of higher education, discrimination in fact exists. It is prevalent also in housing, in hotels, in motels, and is almost universal in restaurants.

* * *

We have now completed the summarization of findings as reported by State Civil Rights Advisory Committee in the non-Southern States. These serve to substantiate and complement the findings announced, in five volumes, by the U.S. Civil Rights Commission. They prove—from sources whose respectability cannot be questioned and whose tendency would certainly not be to exaggerate failures—that the National Bar Association (itself a reflection of the discriminatory character of the American Bar Association) was correct when it stated, at its January, 1962 meeting held in Detroit, that the areas other than the South were marked by racist practices in housing, education, employment, public service, the administration of justice and even in voting.

The Reports taken together indicate also that after all the hullabaloo, and after all the great expenditures of energy, and after all the official congratulatory speeches and proclamations, the iron cage that Richard Wright described, and the glass walls that Du Bois described, still stand very much intact, and that in certain areas—as housing and education—there are many signs of retrogression rather than progress.

CHAPTER FIVE

The Border States

AS WAS TRUE of the Reports from the non-Southern States, those from the Border and the South vary greatly in coverage and quality. Let us turn to the record.

Delaware is one of the States with a very high rate—over 40%—of population growth from 1950 to 1960; it is unique in that the rate of growth of its white and non-white population has been identical. The latter component amounts to about 62,000 people, or some 14% of the State's total.

Delaware's Report totals eight pages and confines itself to certain aspects of the questions of employment and the administration of justice. As to the first, the Report notes that per capita income was second only to that in Connecticut, but adds that the distribution of income leaves very much to be desired from the viewpoint of equity, or, at least, equality. The northern part of the State, in and around Wilmington—the bailiwick of the Du Ponts, whose name is never even whispered, of course—shows a particularly high per capita income; the rest of the State is much lower. Further, the Report observes that the income of the 14% of the population made up of Negro people is very, very much lower than the white income.

The Report's data, furthermore, demonstrate that 43% of the "laborers" in the State are Negroes, and that 94% of those performing "household and other services" are Negroes, while 7% of those in "professional and technical" work are not white. If these per-

centages are compared with the fact that 14% of the States population is made up of Negro people, one sees a dramatic illustration of the systematic, institutionalized and organic nature of the discriminatory pattern that prevails.

The Report itself does not offer data on unemployment, but it states: "Job placement has been difficult for qualified Negroes in the white-collar and blue-collar areas." Since after one mentions the white collar and blue collar, he has run out of collars, what the Report is saying—in its rather colorful manner—is that it is extremely difficult for qualified Negro workers to get jobs. In fact, in language whose directness is somewhat unusual for this Report, it does state: "The job market is critical, and the percentage of employers who will accept Negro workers is extremely low."

In the administration of justice, the Report states that it is better in and around Wilmington, than elsewhere in the State. In general, however, Negro people—and the increasing numbers of Puerto Ricans—do face discriminatory conditions everywhere. The Report notes that "there is widespread discrimination in employment in law enforcement agencies." Thus, only two towns in Delaware have any Negroes at all on their police forces; no Negro above the rank of janitor is employed by the State police, and none is employed on the county police force. No Negro is employed in the probation or parole systems of the State; in the two southern counties and in the State Supreme Court, all employees at all levels are white.

Examples of mob attacks upon Negro families—especially where efforts to crack jim-crow housing were involved—are given in the Report. In one case, it is noted that though "the police were notified well in advance of the time the family moved into their new home, several days passed before action was taken to prevent crowds from congregating." In this instance, the house in question was finally demolished by bombing, and: "No indictments have been entered against any persons for the bombing which finally destroyed the house."

As to police brutality, the Committee writes with manifest restraint:

In some towns, particularly where the police are relatively untrained, there may be considerable brutality. There have been charges that Negro homes are entered without warrants and blanket arrests are made. There are frequent reports of unnecessary violence attending arrests and confinement.

In *Kentucky*, there live about 220,000 Negro people, making up some 8% of the State's total; the population in the State grew but 3.2% from 1950 to 1960, but the nonwhite population advanced by 7.6%. The Report for this State is one of the more detailed—it totals fourteen pages. It examines with some care the campaign against discrimination that went forward during 1960-61 in the four major cities, Louisville, Lexington, Frankfort, and Hopkinsville. The Report states that on the basis of popular struggles especially through the Congress on Racial Equality, the colleges, and the churches—including in the latter case, several predominantly or entirely white churches—some cracking of jim-crow, in restaurants, theatres, schools, and certain public facilities, had been achieved. This was partial and spotty, but enough had been accomplished, said the Report, to indicate that with sufficient public interest and agitation and action—even in the face of arrest and economic hardships—substantial progress could be made.

A result of the agitation was the passage, in 1960, of a State law prohibiting discrimination in State employment. The Act itself did not take effect until July, 1961, but prior to that date, Kentucky had removed questions concerning race and religion from application forms for State employment, and according to the Report, "the policy has already been implemented in some instances by the employment of qualified Negroes."

Of course, generally speaking, discrimination and segregation remained dominant in Kentucky; in the capital of the State, for example, theatres, elementary schools, restaurants, hotels, motels all were conducted on an entirely jim-crow principle. The active participation of the Federal government in discriminatory practices is emphasized in this Report. For example, it notes that while in Louisville a substantial number of Negro workers are employed at the Post Office, the proportion of such workers holding advanced positions was almost nil; thus, "on the two largest crews working in the main post office [in Louisville] where about 55% of the employees were Negro, there are no Negro supervisors." As another example, it reports that in Hopkinsville two Federal housing projects have been erected and that one is occupied only by white people and the other only by Negro people.

As to the employment policies of the 174 corporations in Kentucky having Federal contracts, the State Committee sent questionnaires to all of them, but did not even receive the courtesy of a reply from

more than 63, and of these only 59 offered data on Negro employment. Of those who did take the trouble to reply, only 37 employed any Negro workers at all; of the 12,724 workers in the 59 corporations, a total of 670 were Negroes, of whom exactly 14 were women. Almost none employed any Negroes in professional or skilled work; only 28 corporations answered the Committee's inquiry about policies of upgrading Negro workers, and of these only nine stated that they had ever upgraded such workers, and then affirmed that this had occurred with great rarity. The concluding paragraphs of the Kentucky Report make points not only applicable to that State, but to every State in the nation:

One area in which great progress should be made in the immediate future is that of employment practices. From the evidence available in Kentucky, it appears that much more should be done where Federal moneys are involved, as, for instance, in all Federal employment as well as in areas where Federal funds match State funds, such as the Kentucky Department of Highways, the construction and operation of hospitals, and so forth.

It would seem to the Committee that the Federal Government should first eradicate completely any discriminatory practices which may exist in Federal employment in Kentucky, and then quickly apply its power to forbid similar practices wherever Federal money is involved. This would be a good beginning toward solving the problem at the level of economics where the injuries are great.

Maryland also has shown rather rapid population growth in the past decade; almost 33%, with the Negro component growing by almost 36% and now totaling about 530,000 people, or 17% of the State's total. In this State, as in almost the entire country, the Negro growth has been especially pronounced in major cities; thus, while Baltimore from 1950 to 1960 witnessed a net decrease of almost 120,000 white people, its Negro citizens increased by 92,000. As a result, while Negroes constituted less than 24% of the city's population in 1950, they now make up at least 35% of the total. This intense urbanization of the American Negro people is having, of course, enormous social, economic and political impact upon the nation; an impact that will accumulate since it seems likely that the urbanward movement will continue and perhaps even increase.

The twelve pages of the Report of the Maryland State Advisory Committee on Civil Rights are devoted to Housing and a very brief

section on Education. The Housing section consists of excerpts from studies prepared for the Committee by Professors V. W. Stone of Maryland State and M. W. Pugh, Jr., of Morgan State.

The discriminatory pattern that prevails is ascribed to the profit motive that dominates the construction and building and financing industries. It is refreshing to see the antagonism between profit and human welfare stated so bluntly.

The Maryland Report adds that while the violation of the Supreme Court's outlawry of restrictive covenants (announced over fifteen years ago) may be directly attributed to banks, landowners, real-estate agents, and builders, "even the Federal Government, through the Federal Housing Administration, early lent an unclean hand" to this illegal practice.

The professors emphasize four particular practices as helping to sustain discriminatory housing. These are:

- 1) Prohibiting Negro real estate brokers from applying the term *realtors* to themselves; 2) the use of racial labels in the newspaper advertising of many real estate firms; 3) the refusal of mortgage money to potential Negro homebuyers; and 4) the refusal to admit any Negroes to membership on the Real Estate Board of Greater Baltimore.*

The two pages devoted to Education, dealt only with public institutions of higher learning and aspects of vocational training in public schools. As to the first point, the Report notes the existence of 15 such institutions in the State and the fact that racial segregation is, in fact, characteristic in all of them; where this pattern does not exist, the "de-segregation" is altogether of a token kind.

As to vocational education, the Report finds this woefully inadequate and remarks "that there is little relation between training and employment for Negroes in the skilled trades." Hence, as it continues, "the problem of placement is difficult"; in short, "in both Baltimore City and Montgomery County [the only areas investigated for this purpose] discrimination and prejudice are evident."

One of the best Reports is that of *Missouri*, which fills thirty

* The point about forbidding Negroes to use the term "realtor" was raised also, as we noted, by the Indiana Report. There the point was made that this relates to Federal law registering the term and confining it to members of the National Association of Real Estate Boards—which generally follows a jim-crow policy. It is worth noting also, that certain States—Connecticut, for example—specifically forbade discriminatory advertising.

pages. Here the white population increased 7.3% in the past decade; the Negro population 32.7%. In Missouri there now live about 400,000 Negro people, constituting over 9% of the total; the vast majority are concentrated in Kansas City and St. Louis.

The State Report, itself, deals with Housing, Public Accommodations, Employment, the Administration of Justice, and Education. In housing, the Committee reiterates its 1959 finding, in these words:

Racial and religious discrimination and segregation in housing exist in varying degrees in all sections of the State; restrictions are practiced both in the sale and the rental of housing. Kansas City and St. Louis each report cases of discrimination against Jews in private housing sales and rentals. Negroes are generally excluded from suburban and other outlying residential districts and are concentrated mainly in the older and blighted areas in the center sections of the cities. Discrimination against racial and religious minorities in the operations of the housing market becomes a controlling factor in establishing, reinforcing, and extending patterns of segregation and discrimination in Missouri.

Its rather careful study of the Urban Renewal Program in Missouri convinced the Committee that it showed no possibility of alleviating—let alone, eliminating—slums and that its impact upon the question of discriminatory housing was to intensify rather than remedy it.

In the area of public accommodations some progress has been made since 1960, especially in St. Louis where the Negro population is so numerous and so well organized that it is exerting growing influence upon politics. Thus, while the State Legislature refused to pass a law prohibiting discrimination in public facilities, St. Louis did so in May, 1961. The League of Women Voters in Missouri issued a study of this question in September, 1960; it found:

Discrimination against Negroes in places of public accommodation, with few exceptions, is general. Negroes, in the main, cannot find lodgings in hotels, motels, or rooming-houses; cannot eat in restaurants, cafeterias, snackbars, or roadside stands. Soda fountains, drug counters, ice cream parlors, and similar facilities refuse them service.

This is the barbarous situation existing now and this has reference not to the home State of the Chairman of the Judiciary Committee

of the United States Senate, i.e., Senator Eastland of Mississippi; this has reference to that which daily faces 400,000 fellow-citizens of the State of former President Harry S. Truman.

The Employment section of the Missouri Report is especially strong since it goes into specific details, particularly as to Federal and State governmental practices. The State Employment Office, itself—whose administrative costs are met in their entirety in Missouri, as in all the other States, by the Federal government—while employing 964 persons, has among these only 76 Negroes, of whom fully half were custodial or maintenance men. Its referral service is explicitly discriminatory, both in its record keeping and in its recommendations to employers.

The Missouri National Guard—82% of whose funds come directly from the Federal government—is absolutely jim crow, with 90 all-white units having over ten thousand men and with two all-Negro units having 98 men. Seven main libraries in the State, serving eighteen counties, receive substantial funds from the U.S. government; only two of the seven had any Negro employees at all, and these were all working in non-professional assignments.

The State Highway Patrol had 791 employees of whom exactly 11 were Negroes, and these were all janitors and subordinate clerks. The State's Schools for the Blind and for the Deaf have 207 white employees and 9 Negro employees, six of whom have purely domestic-service jobs. Figures for other State departments and institutions, as those serving the mentally ill, further establish the fact of glaring discrimination in employment practices. Even in the State personnel division, *which is charged with administering the merit-system of hiring that is supposed to oppose racism*, of its eighteen employees, all were white!

The State Committee found that utterly lily-white conditions prevail in offices that are totally Federal; for example, there are two regional offices in Missouri of the Bureau of the Census of the U.S. Department of Commerce and of their employees, all are white. In certain areas in the State, Federal welfare and unemployment insurance offices are not only lily-white in their employment policies but they are badly discriminatory—"rotten to the core," are the words used by a witness before the State Committee—in dispensing assistance, and payments.

In the past ten years, there have been some advances in employment practices, especially in St. Louis, where the political strength

and militancy of the Negro people have grown. Generally speaking, however, as this Report emphasizes, the employment pattern in Missouri is one of rank discrimination, often in violation of law and of Executive Orders.

As for the Administration of Justice, the Report noted first that with respect to employment "very few law enforcement agencies in Missouri are integrated." It then stated that there was substantial evidence that "the police and/or sheriffs do enter Negro homes without warrants"; "Negroes are arrested on trivial charges which would not ordinarily warrant arrest"; "Negroes are often arrested indiscriminately when certain crimes are committed"; "Negroes are sometimes held incommunicado by the police and sheriffs"; "Negroes have been beaten while in custody by the police"; "Negroes receive more severe sentences for the same crimes than whites"; "Negroes are subject to heavier fines for the same crimes than whites"; "Negroes are subject to a stricter probation policy than whites"; "Negroes are denied free counsel when needed"; "a Negro youth charged with a misdemeanor is more apt to be sent to a training school or reformatory than a white youth in like circumstances."

Is not the United States ready for a "Judgment at Nuremburg"?

On education, the story in Missouri, is the story in the United States, with local variations. Overcrowded classrooms, insufficient teachers, under-paid teachers, segregated education, despite the law and despite the pretenses; the results in eliminating segregation are so small as to be unobservable. This Report makes the point, also, that while the educational process in the elementary public school system generally is discriminatory, it is even more so in the higher levels of education and absolutely so in the vocational and apprenticeship programs.

One of the reports that sought to say little and hide much is that from *Oklahoma*. In this State nearly 10% of the population is non-white, of whom nearly 65,000 were Indians and 155,000 Negroes; the growth rate is small—only 4.3%—but the nonwhite segment increased almost 10%.

The seven pages of this Report touch upon Voting, Education, the Administration of Justice, and Public Accommodations. On Voting, the Committee suggests that, since the State constitutional provision requiring literacy tests for voting was held to be null and void 47 years ago by the U.S. Supreme Court, perhaps the time has come to eliminate it.

The two pages on Education do admit that there were *fewer* Negro children in hitherto white schools in 1960 than there had been in 1959; it also notes that from 1954 [the year the Supreme Court declared segregated education to be unconstitutional] through 1960, a total of 379 Negro teachers had lost their jobs, because in the process of more or less token enforcement of the Supreme Court decision several Negro schools had been shut, and Negro teachers—only—dismissed.

The Committee concluded its page and a half comment on Justice by affirming: "We feel confident that minority groups are not being denied due process of law by the courts in Oklahoma." But quite apart from what is admitted for the rest of the nation, even what is stated in this Report produces an absence of such confidence. We are told, for example, that in all but three counties of the State "there are no Negroes employed by the instrumentalities of justice," and that in the exceptional three, Negroes are employed in small numbers only in the police department and there only in the lower ranks. In the prisons and reformatories, Negroes are present, in very large numbers, as "guests" of the State, but none are there as employees. Further: "There are no Negro judges or prosecuting attorneys, sheriffs, or chiefs of police in Oklahoma."

In public accommodations advances have been made in certain department stores and counters—the Report only obliquely refers to the "sit-ins" in this connection—but "Privately owned hotels, motels, and restaurants are segregated in almost all instances."

Rather abruptly, then, the Report concludes with the pious affirmation "that progress is being made in Oklahoma in all areas of human relations." If so, the Committee offered precious little evidence to bulwark so momentous and happy a finding; on the contrary, most of its actual data pointed the other way—namely, a notable absence of significant progress, some retrogression, and a prevailing situation that affronts anyone who takes the Declaration of Independence seriously—especially in view of the fact that nearly two centuries have passed since that Manifesto enunciated what it then already held to be "self-evident truths."

Among the fuller and better of the Reports was that from *Tennessee*, a State containing almost 600,000 Negro people, making up about 17% of its total population. Some material is offered on Employment, Education, Voting, Housing, and Public Facilities. As to the first subject, the Committee reported "that Federal policy of

nondiscrimination because of race prescribed by Federal constitutional provisions, Executive orders of the President, and administrative regulations is poorly implemented." Moreover, while the situation relative to Federal directives is as has been indicated, the Report went on to say "that the Negro's opportunity for employment in State, county, and municipal agencies is much more narrowly restricted than in Federal departments." A detailed study of the employment situation in the State's leading city—Nashville—"found virtually no job progress on the part of Negroes during the past decade and the existence of serious imbalance between the rapid increases in industrial, commerce and civil employment, and the proportion of such shared by Negroes."

In education, as of 1961 there were 157,400 Negro students enrolled in the State's public schools; of these exactly 383 attended schools with white students. This is the progress in implementing the Supreme Court's decision seven years after it was rendered. A reader must agree that the Committee speaks with moderation when it concludes: "Desegregation in the public schools in Tennessee has moved with more deliberateness than speed."

The section on Voting is very brief. The point is made that there is substantial evidence of the systematic interference with the suffrage rights of Negro citizens in Lauderdale, Hardeman and—especially—Haywood and Fayette Counties. The latter two, of course, have been the subject of much notoriety, for it is there that hundreds of Negro families have been evicted and boycotted, and some physically assaulted because of a drive to increase the number of Negro voters. A startling statistical point is made but nowhere explained: while the Negro population of the State increased 10.9% from 1950 to 1960, the State reports that the number of Negroes over the age of 21 fell from 318,970 in 1950 to 298,000 in 1960. This reader wondered whether Tennessee in this case—and other States have done this in the past—deliberately is undercounting the eligible number of Negro voters; in any case, the data themselves certainly require some explanation from some officials—Federal and State—assuming that either of these Governments is really interested in the disfranchisement of its citizens.

On housing, the Report may be aptly summarized by quoting its opening and closing lines: "Housing is available only on a racially discriminatory basis." And "Negro housing, for both low- and

medium-income levels is woefully inadequate, and until open occupancy is achieved it will probably remain so."

As for Public Facilities, these are segregated within the State Capitol itself; and in that building no rest-rooms at all are provided for Negro people. There are twenty State parks in Tennessee, eighteen are forbidden to Negro people and the two that are restricted to Negroes have no cabins, no lodge, no dining room, and no tenting facilities. "Hotels and motels do not accommodate Negroes"—in a word, and in all respects, a veritable show-place of the "Free World."

The last of the Border States is *West Virginia*. This State, with its major industry—coal-mining—in chronic decay has shown a rather steep decline in population in the last decade; actually, a fall of 7.2%, with the Negro population, most severely hit by the blight, falling over 22%. Hence, there are today in West Virginia about 90,000 Negro people, making up only 5% of its total.

The Civil Rights Report for this State also conveys a general impression of stagnation and regression. Mention is made that the State's Department of Public Safety employs not a single Negro as a police officer, nor in any administrative or secretarial capacity. The State's policies of employment are found to reflect a not inconsiderable hiring of Negro workers, but the discriminatory pattern manifests itself here in the menial jobs these workers are restricted to, and the fact that they are almost never upgraded.

In West Virginia, there prevails, according to the Report, "housing squalor"; this, it adds, "is evident all over the State, encompassing all segments of the population and is not limited to nonwhites." There is precious little comfort in this, however; moreover, the housing pattern is not only one of squalor, but also one of rigid discrimination. As to education, in those counties having a substantial number of Negro students "only slight progress [toward integration] has been made." Notable in West Virginia—as we saw was true also in Oklahoma—was the fact that there was "a smaller percentage of Negro teachers employed now than in 1955"—i.e., than since the Supreme Court ordered an end to segregated education.

* * *

The Reports from the Civil Rights Committees of all the Border States demonstrate conclusively and officially that the crassest kind

of jim-crow permeates every aspect of life there; that the Federal and State governments themselves are fully implicated in sustaining this abomination; that progress where it has taken place, has been slight; and that in significant areas no progress, or even, regression has occurred.

CHAPTER SIX

The Southern States

FROM 1950 THROUGH 1960, the population growth in the South was less than that for the country as a whole (16.5% compared with 18.5%); Mississippi showed no population growth at all, and Arkansas actually showed a decline of 6.5%. The main reason for this was the very small rate of growth in the number of Negro citizens in the South; in only two Southern States—Florida and Texas—did that rate surpass the national average. In eight others the Negro population grew very much less than the white within the States, or within the nation as a whole; in Alabama and South Carolina the percentage of growth in the Negro population was infinitesimal, while in Mississippi the number of Negroes *declined* by 7.2%, and in Arkansas by 8.9%.

While this trend already has had powerful repercussions on every aspect of United States life and history, the fact still remains that almost exactly half of all the Negroes in the United States—about 9.4 millions out of 18.9 millions—live in these ten Southern States. With all the significant population shifts of the past generation—and its main character is urbanward, rather than geographic—it is still true that in the core of indubitably Southern States live as many Negro people as there are inhabitants of Hungary. It is there, for over three centuries, that the basic and most blatant oppression of the Negro people has existed; it is there still, more than any other

single region of the United States, and more crassly than in any other area of this country, that Negro oppression has its main locale.

When we examine, therefore, the facts on civil rights—and wrongs—as they exist in the Southern States we are probing at the heart of the whole civil rights question in the United States. For the present we shall confine ourselves to summarizing the reports as made by the official committees in these ten states. Again, as was true of the Reports from other regions, those from the South vary widely in coverage and merit; some are extensive and very valuable, others are perfunctory and worthless.

* * *

Among the latter are the Reports from Arkansas and Florida; each is less than one printed page of text. The 300-word "Report" from *Arkansas* begins, "no complaints had been filed with the Commission on Civil Rights;" the 200-word "Report" from *Florida* also announces, "no complaints or charges have been filed with the Committee." In the two States live almost 1,300,000 Negro men, women, and children; they live in such bliss and equality that not one of them felt obliged to "complain" to the Civil Rights Committee.

The queerest of all the Reports is that from *Virginia*. Here, where over 800,000 Negro citizens reside, the two-page document is devoted only to problems produced by urban renewal programs, as these effect middle-class families insofar as moving may entail financial loss, and may jeopardize one's vote in certain elections, where prolonged residency or freehold ownership are required. The reader may find this even more incredible than the non-Reports that came from Arkansas and Florida; if so, I can only refer him to pages 621-23 of *The Fifty States Report*, where he may see for himself.

* * *

The Reports from *South Carolina* and *Texas*, though marked by the most careful language, at least attempt to deal with some aspects of the question of civil rights. In South Carolina live 830,000 Negro people; in less than six pages, its Report makes the following points: "Housing in general for Negroes is substandard;" "difficulty in financing," "interest rates are high;" "no urban renewal projects have been undertaken in the past year that would ease the Negro housing problem."

On voting, the Committee said, "there probably are places where

voting rights have been violated in South Carolina." It added that investigations were being conducted by the Justice Department in three counties, but results were not known. On education, "schools are segregated from grammar school up through college." The Committee does not comment on the fact that this arrangement is illegal. It adds that the Catholic bishop of Charleston has directed that parochial schools in the State are "to be integrated no later than the public schools"—something less than heroic pioneering on the part of the Roman Catholic Church.

As to employment, only matters touching the Federal government were investigated by the Committee. It sent questionnaires on employment practices to 150 South Carolina businesses having contracts with the Federal government; of these 53 chose to reply. The replies demonstrated a pattern of discrimination in employment; fewer Negroes than whites hired; Negroes hired only for the lowest paying jobs; Negroes almost never upgraded. The *Report* concludes: "Although the volume of business done with the Federal Government was large in some instances, there was apparently little awareness of any need for special employment policies as a result of Government contracts."

The Committee reported that it had received complaints charging discriminatory employment practices at the Charleston Navy Yard; it had not investigated, however, feeling that the Navy should "hear the complaints first." The public still waits.

Discriminatory employment practices were also reported from the Veteran's Hospital at Columbia. Only white nurses are employed there; and the Veteran's Hospital "has a training arrangement with the University of South Carolina" from which Negroes are barred.

In the entire State of South Carolina, there are only two public libraries which will serve both Negro and white readers. And: "In some localities there are no colored facilities whatsoever, and Negroes who enter the publicly supported libraries that are reserved for whites are subject to a fine of \$100 or 30 days imprisonment." All State parks are segregated; where Courts have ordered otherwise, the State has closed the parks. All restaurants and hotels "are strictly segregated." Sits-ins have been numerous in South Carolina; the Committee's attitude towards these efforts is worded so ambiguously that it is impossible to comprehend, let alone summarize.

All judges, all magistrates and all elected law enforcement officers in the State of South Carolina are white; further, as to the "admini-

stration of justice," "the Committee has heard more complaints of 'police brutality' than all other types of discrimination combined." The Committee continues:

Two cases were heard in open meetings, but several complainants did not want to appear in open hearing because they were afraid of the consequences. Private hearings were granted. The cases that could not be settled with the local authorities were turned over to the FBI for investigation.

Again, the public waits; and since the U.S. Civil Rights Commission itself reported, as we saw in earlier pages, that the FBI preferred not to get civil rights cases and did nothing effective about them when they were forced upon it, one may be sure that in these cases, too, depending upon the redoubtable J. Edgar Hoover, the public waiting for justice, will wait in vain.

It is most unfortunate that the Report from *Texas* totals less than six pages. Texas, next only to New York, contains the greatest number of Negro people of any State: about 1,200,000 making up 13% of the entire population. To a degree, through years of intense struggle, certain advances have been accomplished in this State. This is notably true in the area of voting, as this Report observes; while much still needs doing in this field, that which has been accomplished is encouraging and can serve as the base from which advances may be registered in other civil rights areas.

That not nearly enough has been achieved is shown in the matter of judges, all of whom are elected in Texas, but not one of whom is a Negro. Housing remains bad and segregated; employment patterns still are almost wholly discriminatory, including areas directly under Federal control. In education, considerable advance has been made in Texas in integrating institutions of higher learning: 25 State-supported colleges and 20 church-related institutions have eliminated total segregation, and half the tax-supported junior colleges in Texas have some Negro students.

Some advances were made toward the integration of the public school system, too, in Texas after the 1954 decision, but, as the Report states, "the progress of integration in this State was almost completely blocked by the enactment in 1957 of certain statutes by the Texas Legislature, which were apparently designed to retard integration." That is the situation now in Texas, years after the Supreme Court declared discriminatory education to be illegal.

* * *

Committees from the remaining five Southern States, with great courage, made extended and detailed analyses of the civil rights picture—dismal as it is—in their respective areas.

Outstanding was the Report from *Alabama*. In this State live very nearly one million Negro citizens, making up about 31% of the total population. The Committee from this State, made up of eight distinguished men and women from seven different cities, decided to devote the sixteen pages of its Report to two questions: The Administration of Justice, and Education, with the greatest space devoted to the first.

Its Report begins by noting that while other States may have shown improvement in the administration of justice since the 1947 Truman Report —*To Secure These Rights*—"called attention to the urgent need for improvement in this area of American life," it was constrained to affirm "that the State of Alabama has witnessed a comparatively grave worsening of affairs in the past decade."

The worsening in conditions effected every area of Justice; it was, however, "especially grave in regard to the essential right to safety and security of person."

On the basis of careful personal investigation and the questioning of scores of citizens throughout Alabama—white and Negro, "mostly well-educated, well-informed middle and upper class persons"—the specific findings on the administration of justice in Alabama constitute one of the most severe indictments of any State presuming to call itself civilized. Evidence showed and we quote from the Alabama Report:

The police use of mounted posses and of vicious dogs as guards were regarded as a greater threat to Negro citizens than anything the police could guard them against . . . the riot tactics of police officers and the use of shotguns and sidearms by them . . . were a greater threat to them than that of potential murderers . . . local officials give the appearance of working hand in hand with the Rightwing terrorist groups such as Ku Klux Klan . . . local officials were known to hold membership in the Ku Klux Klan or in other Rightwing subversive terrorist organizations.

As to what the Report calls "the arrest process," it stated:

There had been reports of arrests without warrants or without reasonable suspicion of the commission of crimes . . . knowl-

edge of cases involving police brutality toward persons being taken into custody . . . twisting of arms and wrists by law enforcement officials . . . beating with blackjacks . . . beating with night sticks . . . kicking of victims . . . slugging with fists . . . pistol whipping . . . throwing people to the ground . . . stomping on the victims and mugging them . . . breaking the victims' bones . . . there were cases in which policemen killed persons who were being taken into custody by shooting the victims, alleging that they had 'grabbed for' the officers' guns . . . using commanding power to make the victim run, and then shooting him for resisting the policeman's exercise of arresting power . . . law enforcement officials were known as being more severe on Negroes than on whites. . . .

When it comes to that alleged "Southern chivalry," we would be most interested in what Senator John Sparkman (D., Ala.) would say to this sentence in Alabama's *Report* ". . . *police officers were reported as being especially rough and abusive in the arrest of female suspects, particularly where the females were Negroes.*"

The Report goes on to detail treatment after arrest and prior to trial. Frequently, persons were held "in jail incommunicado after arrest without booking and without definite charges." Not uncommon, was the "use of force and intimidation in order to extort confessions from prisoners." The force included not only "lashing, whipping, beating, slugging . . . scourging;" there also were "instances where police made use of electricity, either in batteries or in live wires, to shock victims in order to extort convictions."

Often officials denied jailed persons access to lawyers; medical aid was denied prisoners in need of it. There were, so far as the Committee could ascertain, two "jailhouse lynchings" in Alabama since 1958—one in Birmingham and the other in Montgomery. But, says the *Report*:

The paucity of cases of jailhouse lynchings may actually be owing to the practice of custodial officers who report these jailhouse lynchings as jail deaths owing to natural causes or as due to the violence of fellow inmates . . . or as suicides.

* * *

To a degree there still persisted the practice whereby State officials "leased out jailed persons to work on public or private projects in the community." The Committee emphasizes that "most serious"

was "the use of physical violence by the police in the third-degree methods *customarily* practiced in jailhouses across the State." (Italics added.)

The Report moves from the pre-arrest and the arrest stage to the "role of court officials." It finds juries weighted against Negro defendants because of the systematic exclusion of Negro citizens from jury service. And, "prosecutors in the State either wittingly or unwittingly have been impairing the tone of impartiality that should prevail in a court of justice and in the conduct of their office in accordance with due process of law." Particularly reprehensible, according to the Alabama Committee, was the fact "that State and county solicitors were gathering evidence leading to indictments and prosecutions of individuals in the State through the use of 'stool-pigeons;' that is, paid and hired informants who violated confidences in order to turn state's evidence on their friends or neighbors." According to the old-fashioned morality of these Alabama citizens:

The use of the paid spy and the informant seems to this Committee to be a violation of due process of law and an unwarranted invasion of the privacy of individuals who are entitled to their own private opinions and to the privacy of their homes. (Italics added.)

Magistrates and Judges themselves are not spared. "The local magistrates in the lower courts of the cities and counties around the State had become known for their differential administration of justice in the disposition of cases involving Negroes as contrasted with those involving whites . . . local magistrates tended to impose stiffer sentences and sterner fines on Negroes than on whites for the same or similar offenses." The judges enforced segregatory patterns in their court-rooms; as one in Montgomery announced, "this is a white man's court-room." Judges not only sought to give Negro defendants the stiffest possible sentence; they also did their best to see to it that if capital punishment could be imposed, it was, if the defendant were a Negro.

Furthermore, "local judges made it difficult for Negroes to secure appeals to higher courts" and they "seemed to condone the suborning and intimidation of persons who might be able to aid Negro litigants as witnesses." There was evidence that some "judges seemed to be influenced by Right-wing, terroristic and subversive organizations like the Ku Klux Klan."

The Alabama State Advisory Committee concludes its section on "justice" by declaring, "this brief survey confirms many of those matters of common knowledge that point to frequent and flagrant miscarriages of justice and mal-administration of the courts in the State." It urges that the Federal government and the U.S. Civil Rights Commission not devote all its time to "lesser aspects of civil rights," for fear that this may lead to "bypassing this grave and important area where the fundamental and essential rights of human beings are in constant danger of violation under the color of law and under the guise of justice."

On Education, the Alabama Report observed that the State's public school system continued, in defiance of law, completely segregated. It noted the continued heroic efforts of Negro citizens, particularly youth, to break down this pattern, but affirmed that there was the fullest commitment on the part of the State authorities to persist in defiance of the opinion of civilized mankind and of the U.S. Supreme Court.

* * *

During the past decade, the white population in *Georgia* has grown by over 18%, but the Negro population by less than 6%; today its population is about four millions, with 30% made up of Negro people. The State Report, while useful, is not nearly as brutally revealing as is that from Alabama. It deals briefly with Voting, Employment, Education; it also contains a fairly detailed survey of the State's library service.

On voting, matters were worse in 1961 than they were some five or six years ago. The main reason for this is the Voters Registration Law passed in 1958. Of this Act, the Report finds: "It has had an inimical effect on the interests of Negro registrants and would-be registrants, and that it has also worked a hardship on poorly informed white voters." These results have followed, because the law as applied and in effect, "permits the local registrar to deny the vote to whomever he pleases and remain within the law while so doing."

The Committee felt its duty, as to Employment, was confined only to Federal and State agencies. It requested information on hiring practices from three agencies in Georgia whose funds come wholly or in large part from Federal appropriations: the Georgia Employment Service, the National Guard, and the Department of Education. The National Guard refused to answer the inquiries from the State Advisory Committee; it is, of course, totally jim-crow.

The Employment Service chose to misunderstand the Committee's request and instead of reporting on its own employment policies—which was what was requested—informed the Committee that it did not think its duties included efforts "to change the normal patterns of operation." The Department of Education in Georgia "apparently has only one Negro employed at a supervisory level." So much for those Departments in effect subsidized by the United States Government.

Georgia's educational system remains completely segregated. In 1961, after a court order, the University of Georgia in Athens admitted two Negro students. Violence broke out on campus the day after their admission; the University authorities suspended the Negro students. A few days later, a Federal court voided their suspension; the two Negro students promptly reappeared on the campus. Since then the two students have been attending classes regularly; other services are jim-crowed. Several Negro youth have applied for admission to Georgia Institute of Technology and the Armstrong Junior College in Savannah; these matters have not yet been resolved.

In general, the Committee reported that the State expends \$37 less per year on a Negro student than on a white student; Negroes have proportionately fewer accredited high schools than whites; though Negroes amount to nearly one-third the population, Negro schools have only one-sixth of the State's library books; and Negroes receive only 6% of the State's expenditures for higher education. This is what the Honorable Senator Russell (D., Ga.) means by "separate but equal."

The detailed library survey demonstrated that while Federal funds substantially contribute to the existence of public libraries in the State, they are almost entirely segregated; those for Negroes are inferior to those serving whites; and their employment policies are utterly discriminatory.

* * *

Among the largest of the Reports is that from *Louisiana*; it covers a full fifty pages. One out of every three of its three million residents are Negro people; the State's rate of growth for the past decade was 21 per cent; for the Negro people it was 18 per cent. The subjects dealt with in the Report are Education, Employment, and Voting.

A very full account of the New Orleans School crisis of 1960 through 1961 may be found here. Outstanding is the ferocity with

which the local authorities and the State Legislature and Governor have fought against all efforts to crack the segregation pattern; their tactics have included violence, slander—with heavy doses of Red-baiting—legalistic delays, economic boycott, the denial of State funds. Only once was the question of segregated or non-segregated education put to a vote in New Orleans; that was in 1960, and 14,114 votes were counted against segregation and 12,908 for, with about 25% of the white parents joining almost 100% of the Negro parents in voting against jim crow.

As a result of the officially-sponsored terror, hundreds of white children were without any education at all in New Orleans for many months; though dozens of youngsters and parents were assaulted and many homes stoned and many automobiles demolished, the authorities have arrested no one. The whole Negro community has stood like a rock in opposition to the worst the white supremacists could do; and important segments of the white population—especially among the students and the professors—heroically have stood up to the racists, also. The struggle for decent education and decency in human relationships and enforcement of the U.S. Constitution still continues in Louisiana.

On Housing, the *Report* concludes, "that not only was there already an alarming condition of overcrowding but also that the supply of new housing was not keeping pace with the accelerating increase in population." It warns: "Frustration has become not only more extensive but more noticeable."

On *Employment*, the Committee notes the intense hostility from "respectable" people to any effort to eliminate the total discrimination that prevails; it especially points out that the dominant press is bitterly antagonistic. While the Committee sent out questionnaires dealing with racial practices in employment of 268 corporations working under Federal contracts, it received replies from only 33—a sampling too small to be worth tabulating. Similarly, a questionnaire was sent to 203 Louisiana State government agencies, but only 23 replies were received. Again, the sampling was too small to justify tabulation; the Committee observes that the Attorney General of the State had publicly announced "that the questionnaires need not be answered by the agencies."

In connection with employment, the Louisiana Committee points out that educational discrimination is especially glaring in vocational

and trade schools; thus, the State has a total of 27 trade schools, of which 23 are for whites only, and 4 are for Negroes.

In the midst of the propaganda about our "people's capitalism" and "affluence," the concluding sentences of the Louisiana Committee's Report relative to employment are worth pondering:

There are areas in our economy which in human terms present a very appalling picture. Negroes suffer disproportionately in any employment crisis. Because they have for so long lacked the proper educational opportunities, because they are barred from participation in training for many crafts and trades which are closed to them as a group, they are among the first to suffer in a period of deflation, and their suffering is more desperate because for so long, except in relatively few instances, they have lacked the protection of collective bargaining. They have had to face the hazards of unemployment and underemployment more frequently than their white fellow workers. The toll that these hazards exact in human dignity is shameful evidence of our lack of sincerity when we profess faith in the equality and inalienable rights of all men.

Since the 1954 Supreme Court decision, there has been a concerted drive by the ruling class in Louisiana to cut down the number of Negro voters. Purging drives led by the White Citizens' Council led to a drop of 30,000 Negroes from the registration rolls from 1956 through 1958. In 1960 the State Legislature passed several laws which it "openly declared . . . were aimed at reducing Negro registration in the State . . . as a means to insure segregation." One law disfranchised persons of "bad character;" it set up certain criteria for determining "bad character"—including convictions for misdemeanors, common law marriage and offspring from such marriage—deliberately aimed against the Negro population. And, in case all this was not enough, it provided that "bad character" might also be proven by "competent evidence" nowhere defined.

All these efforts at disfranchisement are being strongly resisted by the Negro people and their organizations; nevertheless, in December, 1960 the percentage of Negro voters was 4.2% below that of 1956, and with the new laws, by the end of January, 1961, the number of registered Negro voters had fallen by seven thousand and of registered white voters by seventy thousand, as compared with December 31, 1960.

The Committee reports that four of the witnesses it heard relative to the suffrage situation have been victimized; one was severely beaten "by a State policeman," and the others have been harrassed in other ways.

* * *

Nine men and women from eight different communities in *Mississippi* were responsible for the Report rendered by that State's Advisory Committee. Their report consists of only ten pages; it is, nevertheless, one of the most revealing of all and its production and submission represents a great and hopeful act. Though, as we have already pointed out, the Negro population of Mississippi decreased from 1950 to 1960, that State still contains about 920,000 Negro citizens, and they make up 43% of the entire population.

The Committee, as it states "had to work under extremely difficult and limiting circumstances, in view of the attitude of many State officials who advised all those who were questioned by the Committee . . . to refuse to provide information." Nevertheless significant findings were offered in the areas of Voting, Education, Justice, Employment, and—an item peculiar to Mississippi—the State Sovereignty Commission.

As to voting, elections in Mississippi are utterly farcical, of course, with most white people and almost all Negro people not voting. There are many counties in that State, having thousands of Negro citizens of voting age, where not a single Negro person is a registered voter; in all cases where there are registered Negro voters, they represent a very small fraction of those legally entitled to vote.

The educational system is completely segregated; as that Great Democrat Senator Eastland says with a straight face, "it is separate but equal." The data in this Report show that while according to the 1960 census, there were 317,000 white children and 309,000 Negro children of school age in Mississippi, Negro educational institutions there received 16% of the appropriation and white institutions received 84%. This is about what Senator Eastland means when he says "equal." The Committee also notes that there is no way whatsoever for any Negro to receive college graduate education within the State.

On Justice, the Report comments that there was a total of five Negro lawyers in the State, almost no Negro police in the State, and no judicial officers who are Negro. As to administration of justice,

the Committee refers to "*many and at times almost unbelievable reports of atrocities and brutalities perpetuated by elected and appointed public officials.*" It spares us any details.

The Report, in turning to Employment, inquired only into whether or not discrimination existed in the hiring practices of Federal agencies in the State. The Mississippi State Employment Office—whose funds come from the U.S. Government—which maintains 33 offices in the State itself, employs a total of three Negroes, and they are janitors. The Mississippi State Security Commission, again in large part financed by the Federal government, employs one Negro—a janitor. The Mississippi National Guard (Army) is all white; the Mississippi National Guard (Air) is all white; the Mississippi National Guard (Navy) has 4 Negroes in it. The Social Security Division of the Department of Health, Education, and Welfare maintains offices in six Mississippi counties; it employs no Negro whatsoever. The U.S. Post Office Department in Mississippi employs 167 persons; none is a Negro.

In 1956, Mississippi established the State Sovereignty Commission, charged with spearheading the effort to retain segregation. This Commission has been given hundreds of thousands of dollars by the State each year since then; a considerable portion of these funds has been turned over to the White Citizens Councils. Secret appropriations amounting to \$20,000 at a time have been made, says this Report; in addition, the Councils have been authorized to draw up to \$5,000 a month from the moneys appropriated by the State to the Sovereignty Commission. The Report says it is clear that the Commission and the Councils "are engaged in activities of a secret police nature, aimed at the suppression of Mississippi's Negro citizens"; citizens of Mississippi have brought a suit—which is now pending—demanding that these appropriations be investigated and that the work of the Sovereignty Commission cease.

* * *

Of the Southern States, only the Report from *North Carolina* remains for consideration. This State has shown a modest population increase (12%) in the past decade; the growth among Negroes was only 7%. Now in North Carolina, about 1,120,000 Negro people live, making up some 25% of the total population.

The data on voting show that just over half of the adult population in the State vote—even in a Presidential election—and that the

political weight of the Negro population is considerably below its numerical strength. This deprivation is the result of practices of intimidation and harassment as well as deliberately discriminatory administrative procedures.

In Education, the system remains separate and discriminatory; what integration has appeared has been altogether of the token kind. State legislation has been passed—so-called “placement” laws—which, in fact, serve to violate the Court decision of 1954. State expenditure on Negro students remains significantly lower than on white students, and other discriminatory facts—such as a much lower appropriation for school lunches for Negro youngsters—persist.

In Employment, the Committee distributed questionnaires to 262 Federal contractors in the State; of these, only 149 replied. Over 21% of those replying employed no Negroes whatsoever.

The North Carolina Employment Security Commission—whose funds come entirely from the U.S. Government—itself employed only 51 Negro workers as compared with 945 white; and of these 51, a considerable proportion were in unskilled jobs. The Commission, in handling applications for employment for companies throughout the State, follows a rigidly jim-crow pattern. This, we repeat, is an agency whose funds come entirely from the Federal Government.

We have thus completed a state-by-state analysis of the Reports made by the Civil Rights Advisory Committee for 1961. They add up to the most damning indictment of American civilization ever to appear under official auspices.

CHAPTER SEVEN

Civil Rights and the Federal Government

WE TURN NOW to an examination of precisely how the Federal Government itself is involved in maintaining the general pattern of racist discrimination and oppression which the Civil Rights Commission found to exist. While a common rationalization for the persistence of this abomination is the States' Rights cliché, the fact is that today the Federal Government is the greatest single bulwark of jim crowism both in terms of that which it actually does and that which—though empowered and even legally required to do—it does not do. In an active and passive sense, it is the United States Government which is directly responsible for the persistence of the discriminatory structure that characterizes and disgraces our country.

Shortly after his inauguration, in January, 1961, President Kennedy requested of Messrs. Roy Wilkins and Arnold Aronson, respectively Chairman and Secretary of the Leadership Conference on Civil Rights—the former is Executive Secretary of the NAACP; the latter is Director of Program Planning, National Community Relations Advisory Council—a memorandum outlining what they would consider an effective civil rights program.

In connection with this request, the President's Special Counsel, Theodore Sorensen, asked in particular that a paper be prepared providing “information regarding federal programs and activities in which discrimination was being practiced.” At the end of August, 1961, Wilkins and Aronson presented such a study to the White

House; through funds provided by the NAACP, the United Automobile Workers and the United Steel Workers, this study was printed—though not distributed for public sale—as a sixty-page pamphlet and entitled *Federally Supported Discrimination*.

This study was prepared in close cooperation with the U.S. Civil Rights Commission; in a sense, it systematizes and supplements the findings on the same subject that are scattered throughout the volumes issued by that Commission. Basing ourselves almost entirely upon these official and quasi-official sources, let us summarize the evidence of the participation by the United States Government in discriminatory practices.

One would think that the President had expressed a minimum standard of behavior, when he stated, on April 11, 1961, that "Federal money should not be spent in any way which encourages discrimination"; this minimum, however, is not maintained. On the contrary:

The Federal Government's grants-in-aid program to State and local governments in 1960 amounted to \$7.1 billions and in 1961 to about \$7.5 billions; for 1962, about \$8 billions were expended this way. In 1960, 16% of the total expended went to the eleven Southern States which, as a matter of official and notorious policy, maintain a rigidly segregated social system; that is to say, the Federal Government provided \$1,116,800,000 in grants—taken out of the money paid by all citizens—to those States where racist discrimination is rigidly institutionalized. Such money from the U.S. Government amounted to a very substantial proportion of the entire expenditures by these eleven States, ranging from a low of 10% for Florida to a high of 22% for both Alabama and Arkansas.

Moving into specific areas where federal subsidization is vital, the facts are as follows:

Since 1951, laws provide for federal assistance to States, in certain cases, for the construction and the operation of school facilities. Under these laws, in the single year, 1960, the eleven Southern States were given over \$63 millions by the U.S. Government; four of these States maintain absolutely segregated school systems, the remaining seven have the barest minimum of token desegregation.

A vocational education program is administered directly by the Office of Education of the Federal Government; in order to receive federal funds, a State or locality must provide matching funds and meet certain standards. The regulations of the Office of Education

state that educational opportunities under this program must be available "without discrimination because of race, creed or color." But no method of enforcement is provided, and the fact is that while Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina have nothing but segregated vocational schools, these nevertheless received over \$6 millions in 1960 from the U.S. Office of Education.

The School Lunch Program is administered by the Secretary of Agriculture; the legislation establishing it specifically forbids racial discrimination in its administration, and adds that where States maintain segregated schools, equal distribution nevertheless must be made of the funds appropriated for the children's lunches. Despite these specific legal provisions—not to speak of elementary human decency—the latest figures for Mississippi (covering the period 1956-57) showed that in her rural areas, for every thousand white pupils who received lunches, there were only fifty-seven Negro children, and in her urban areas 832 per thousand white children and 161 per thousand Negro children were allowed to benefit from this program. The latest figures for this program, on a regional basis, are for the years 1951-52; they demonstrate that in the eleven Southern States, some 56% of the white children and but 25% of the Negro children participated in the school-lunch program.

The Federal government aids vocational rehabilitation programs directed towards assisting the crippled, maimed and handicapped. In 1960 over \$48 millions were expended for these purposes; according to the Civil Rights Commission, there was "a consistent pattern" of discrimination in the use of these funds in Arizona, Mississippi, Louisiana, and Puerto Rico.

Under an act passed in 1956, the U.S. Government appropriates annually \$7,500,000 to assist public libraries in rural areas; States receiving such moneys are allowed to decide themselves whether these libraries are really to be "public" or jim crow. Many Southern localities proscribe Negroes from "public" libraries; many more segregate their Negro readers—all are subsidized with Federal funds.

The Congress, since 1958, has authorized the expenditure of hundreds of millions of dollars yearly, under the National Defense Education Act, "to strengthen education, public and private" in the United States. The States are required to provide matching funds, but the Act contains no provision whatsoever concerning non-discrimination. Under this Act, in the single year, 1959, Alabama,

Georgia, Mississippi, and South Carolina—where absolute segregation in education prevails—received a total of over \$5.3 millions.

The United States Government has been financially assisting higher education for a century (ever since the Morrill Act, 1862). Today, with funds for general support of colleges, for specific aid to teachers, students, and scholars, and for particular research projects (especially military), the Government expends about two billion dollars a year. Throughout the South, higher education continues either entirely or nearly entirely on a jim-crow basis; the Civil Rights Commission concluded, therefore, "the Federal government bears a heavy responsibility for the resulting discrimination against past and present generations of Negroes." Here is how six Southern States expended Federal funds appropriated in 1958 by the U.S. Government, in "support of public higher education":

State	Per Student	
	White	Negro
Alabama	\$144.10	\$13.11
Florida	156.60	15.30
Georgia	185.70	14.37
Louisiana	110.97	5.83
Mississippi	250.41	19.22
South Carolina	169.71	28.82

On this whole matter, involving the expenditure, as we have stated, of two billion dollars a year—among other things, paying for 86% of all research done in the physical sciences in U.S. universities—the Civil Rights Commission concluded:

... the failure of the Federal Government to give any consideration to the presence or absence, of discriminatory practices by the recipient institution, has the effect of supporting racial segregation, and continuing the educational deprivation of those excluded from such institutions.

EMPLOYMENT

The whole pattern of employment in the United States, as again authoritatively and exhaustively documented by the Civil Rights Commission, is racist to the core. Negroes are paid less, are hired last, are fired first, are promoted least; they are subjected systematically, and all but universally in the United States, to special and

intensive deprivation and exploitation when it comes to this basic matter of earning a living.

Despite laws and Executive Orders—from four consecutive Presidents now—this pattern persists; one of the reasons it persists is that the Federal government with its own employment rolls counting millions, and its contractual engagements amounting to scores of billions of dollars every year, in fact copies and helps maintain this discriminatory structure. While the non-Southern, white press hails and expands on every victory alleged or gained in this area by the Federal government, the fact is—as Herbert Hill, Labor Secretary for the NAACP, said on April 12, 1962—there has been "a high yield in press notices and only superficial and token results in new opportunities."

It may first be noted that while Government regulation prohibits—in words, of course—discrimination in employment by the Government itself or in work performed under government contract—it says nothing about recipients of federal grants, or loans, or subsidies, or guarantees or insurance of financial risks, or contractors working on projects financed or benefited by U.S. Government funds.

What this means, to offer a specific instance, is that while the Federal Government supplies 90% of all funds to States for the national highway program, the State highway departments administering this program—and the contractors doing the work—are in no way bound, even formally, to any non-discriminatory clauses or directives. From 1956 to 1962, this program involved an expenditure by the U.S. of almost \$18.5 billions.

In another area, where the expenditures of money are much smaller, but where the issue involved is even more consequential—that of vocational training—the Federal government again, by doing almost nothing, in fact sustains the gross discrimination that characterizes that aspect of education throughout the country. Racism has produced a situation—as the NAACP showed in its study of *The Negro Wage Earner and Apprenticeship Training Programs* (1960)—where Negroes constitute .08% of locomotive engineers; 0.84% of tin and sheet metal workers; 0.88% of opticians; 1.6% of compositors; 1.02% of electricians, etc. That same study showed that at the present rate of "improvement" in the discriminatory vocational-education setup, it will take Negro men and women until the year 2098 A.D. before they "secure equal participation." This is the situation despite the fact that two Executive Departments—that of the

Department of Labor and of Health, Education, and Welfare—exercise direct and major responsibilities in the area of vocational and apprenticeship training.

United States Employment Service offices have been established in all the States. There are about 1,800 such units now throughout the country; the Federal government pays the total cost of maintaining them—in 1960 this came to well over seven million dollars. The Secretary of Labor is directly in charge of the rules and regulations for these offices. The fact, nevertheless, is—as all official reports show—that segregation and discrimination are very widespread in the physical arrangements, in the employment practices within the offices, and in the referral services conducted by them for private corporations. Typical was the testimony, in January, 1962, before the House Education and Labor Committee, showing that the South-West Region—comprising the States of Texas, Arkansas, Oklahoma, and Louisiana—of the U.S. Bureau of Employment and Security, which directly operated the Service offices, *itself did not have a single Negro worker!*

In other Executive Departments of the U.S. Government itself—though there has been improvement since the days of Woodrow Wilson—there persists a basic pattern of discriminatory employment. In some departments the failure is as gross as in the above example: thus, though the Postal Inspection Service of the Post Office Department employs about one thousand workers, not one was a Negro; the Farmers Home Administration employs almost five thousand people, and exactly 82 are Negroes; the Federal Extension Service of the Department of Agriculture employs 238 people, of whom twelve are Negroes; the National Park Service of the Department of the Interior employs 474 rangers, of whom not one is a Negro.

HOUSING

Even more thoroughly discriminatory than the employment pattern is the housing structure in the United States, including the District of Columbia, where Federal power is complete. Furthermore, in this area—socially of basic significance—the tendency in the last few years has been in the direction not of reducing but of intensifying jim crow. The latter result has followed from the Urban Development plans which, everywhere in the country, have resulted

in displacing relatively very many more Negro families than others, and so has led to the greater concentration of Negro ghetto areas.

The U.S. Government today is the single most important element in the housing market; with the Public Housing Authority, the Urban Renewal Administration, the Federal Housing Administration, the Farmers Home Administration, the Veterans Administration, etc., housing to a decisive degree falls under the competence of the Federal government. From the viewpoint of finances, one need but mention that 40% of all outstanding home mortgage loans are insured or guaranteed by Federal agencies.

The facts led the U.S. Civil Rights Commission, in its 1961 Report, to affirm that it was the U.S. Government which, more than any other single institution or force, maintained the jim-crow pattern in housing throughout the nation.

Senator John F. Kennedy, in August, 1960, just after being nominated for the Presidency, said, in reference to the field of civil rights, that “a great part of the solution of these problems depends upon Presidential leadership.” He went on to say that there were “a number of vital steps which could be taken now—which should have been taken during the last seven and a half years—by Presidential action.” He then chose “one example of an important and immediate contribution that could and should be made by the stroke of a Presidential pen.” Candidate Kennedy explained:

Eleven months ago the Civil Rights Commission unanimously proposed that the President issue an executive order on equal opportunity on housing. The President has not acted during all this time. He could and should act now . . . I have supported that proposal since it was made last September, 1959. The Democratic platform endorses it. A new Democratic Administration will carry it out. But there is no need to wait another six months. I urge the President to act now.

Since August, 1960, the country has had another Civil Rights Commission Report—this one in the Fall of 1961—and yet again it unanimously proposed that the President issue an executive order on equal opportunity in housing. In August, 1960, Mr. Kennedy said we were already seven and a half years late; through most of 1962, the world still waited for the scratch of the President's pen.*

* In September, 1962, the U. S. Civil Rights Commission issued an interim Report detailing the fearful housing condition within Washington, D.C. itself, and emphasizing its discriminatory character. It also repeated its recommenda-

HEALTH AND SANITATION

The U.S. Public Health Service spends millions of dollars yearly, through the States, for physical and mental health programs, and for services connected with public sanitation. In 1960, for example, this Service expended \$120 millions upon such projects, not including money spent for hospital construction; for the latter purpose, during the past dozen years, the Federal government has given the States about \$1.3 billions.

Hospitals are generally segregated throughout the nation; ten States legally require such segregation and in most others it exists, more or less completely. In the administration of hospitals, therefore, and in programs directed against tuberculosis, heart disease, venereal disease, mental illness, cancer control, etc., the Federal government, in fact, helps subsidize the monstrosity of jim-crow medicine.

AGRICULTURE

While the Negroes in the United States no longer are predominantly an agrarian people they still remain so to a substantial degree—very much more so than the rest of the population. It is in the Department of Agriculture, probably more than in any other single Department of the Executive branch, that gross discrimination persists.

First, the general agricultural crisis that is driving scores of thousands of farming folk from the land each year, has been hitting the Negro masses, especially those in the Delta region, particularly hard, with tens of thousands of them now farm laborers, seasonal workers, migratory workers, or “unemployables.”

A significant lack in all the Commission Reports was any consideration of the plantation areas in which still reside millions of Negroes and in which conditions are at their worst in many respects. Thus, just in the three States of Alabama, South Carolina and Mississippi, nearly five million people make their living out of the soil;

in the South as a whole something like five million Negroes work in this manner.

Sharecropping is waning, but that does not mean that hundreds of thousands do not now live under these quasi-feudal and near-peonage conditions. Of Alabama's tenant farmers, 27% are sharecroppers, 44% of South Carolina's and 51% of Mississippi's; generally over half the sharecroppers are Negroes; in Mississippi about 90% of the sharecroppers are Negroes.

It is in these rural areas, and especially among these Negro farm workers that some of the worst poverty exists. Thus, 40% of the rural Negro families earn in a year less than \$1,000; only 20% have family incomes during the year above \$3,000.

Federal programs do not begin to meet these needs; and in the distribution of what help is offered discrimination everywhere is the rule. Here questions of suffrage, employment, and basic human rights are about where they were in 1880, and not very much advanced over 1860.

Within the Department of Agriculture itself, of the 30,000 employees in the five lowest pay-grades, 1,600 are Negroes; in the five medium grades, out of 24,000 workers, 150 are Negroes; in the five highest grades, no Negroes whatsoever are employed. Elsewhere, we noted the record of employment in the Farmers Home Administration; one should add that the decisive administrative body in the FHA, is the county committees, and of all such bodies in the United States, *not one has a single Negro member!* It is not surprising then that Negroes received only 4.3% of farm housing loans in 1960, and that throughout that year in the States of Florida, Georgia and Tennessee not a single farm ownership loan was made to a Negro.

The Federal Extension Service of the Department of Agriculture—a very important educational undertaking for farmers—employs 238 people directly, of whom 12 are Negroes, and contributes to the salaries of almost 15,000 cooperative employees, of whom 700 are Negroes. This Federal service is entirely segregated in the South; where Negro county agents are employed there, they are paid between one-third and one-half less than white agents.

THE MILITARY ESTABLISHMENT

World War II cracked the utterly jim-crow character of our country's military establishment. There persists, however, large areas

tions—made in 1959 and 1961—that the President issue an Executive Order on equal opportunity in housing. Finally, on November 20, 1962, President Kennedy did issue Executive Order No. 11063. The nature of this Order and an estimate of its impact is in the 1963 Report of the Civil Rights Commission and a summary is given in later pages of this work.

of jim crow and these are directly the responsibility of the Federal government. There still are, for example, segregated units within the military reserve. In the National Guard and the Air National Guard, altogether jim-crow units exist in sixteen States, and in the District of Columbia; some States bar Negroes altogether, which militates against them in terms of being subject to conscription. All this prevails despite the fact that the U.S. Government spends about \$600 millions a year on the National Guard, or 95% of its total cost.

The Reserve Officers Training Corps (R.O.T.C.)—a basic source of officers for all the armed services—operates with a strictly “neutral” attitude towards jim crow. This results, in fact, in subsidizing and encouraging discriminatory provisions; in Alabama, Mississippi, and Georgia, for example, Negroes are completely barred from R.O.T.C. programs. This again hurts when it comes to conscription, and to the possibility of achieving higher rank in the services.

In the three military academies maintained and operated directly by the U.S. Government (Army, Navy, Air), as of 1960 there was an enrollment of 7,000, among whom were exactly 21 Negro cadets. No wonder that in 1961, Negroes constituted 0.1% of Navy and Marine officers, 1.1% of Air Force officers, and 3% of Army officers.

By the way, the Civil Defense Program is officered almost entirely by whites, and some Southern cities actually have designated “white” and “colored” shelters to avoid integration, even with cremation!

FEDERAL PASSIVE SUPPORT OF JIM CROW

It is impossible to know the facts summarized in the above pages without seeing that the U.S. Government itself is a fundamental, active bulwark of the nation's segregationist structure. In addition, that Government has certain legal and constitutional duties—quite apart from moral and ethical considerations—that clearly require it to take steps which would deal most serious blows to that structure. The fact that the Federal Government does not do what the law and the Constitution require be done is another enormous—if negative—bulwark for jim-crowism.

That is, the law requires federal reapportionment in accordance with provisions of the Fourteenth Amendment, but that law is not enforced. The specific suffrage and civil rights provisions of both the Fourteenth and Fifteenth Amendments to the Constitution—

bought with rivers of blood—are notoriously disregarded, in clear and palpable violation of oath. Civil Rights Acts passed seventy and eighty years ago are not enforced; laws meant to protect the civil rights of individuals against violence done by citizens and police are not implemented; the Federal Bureau of Investigation, in particular, which is charged specifically with the enforcement of such laws, has expressed the attitude—confirmed again in the 1961 Report of the Civil Rights Commission—that it does not approve of, does not enforce and does not intend to enforce such laws.

The Executive Department, charged with the duty of enforcing Supreme Court decisions, acts vigorously to enforce those passed by a barest majority and rendered on the most technical and least substantive grounds possible when such decisions are directed against radical dissenters and the Left—as the June 5, 1961 decision, on the McCarran Act's registration provision; but eight years after a unanimous Court had held segregated education to be violative of human rights and of the Constitution, that Department does practically nothing—and over 90% of the schools segregated in 1954 remain so today, and most of the remainder are desegregated only in token form.

An Executive Department elected to office on a Platform that said: “What is required now is effective moral and political leadership by the whole executive branch of our government to make equal opportunity a living reality for all Americans,” and that specifically pledged executive action to achieve “equal employment opportunities throughout the federal establishment and on all government contracts . . . the termination of racial segregation throughout federal services and institutions . . . [and] an end to discrimination in federal housing programs, including federally-assisted housing”—that Executive Department, after several years in office, has not fulfilled these promises, already many generations overdue.

CHAPTER EIGHT

The Civil Rights Commission Report for 1963

EARLY IN OCTOBER, 1963, the U.S. Civil Rights Commission issued its *Report** for that year. This *Report*, of 268 pages, supplements and updates the earlier massive and historic work.

The Commission was appointed originally under the Civil Rights Act of 1957 and was given two-year extensions in 1959 and 1961. A proposal to make it a permanent arm of the Government is included in the Administration's civil rights program which has been stymied in Congress for months.

The Commission was due to lapse in November, 1963, and many of its staff members resigned earlier; its Director, Berl I. Bernhard, according to the *New York Times* (Oct. 8, 1963), "plans to leave shortly," and the six Commissioners themselves have indicated that they would leave unless there was assurance that the body would be made a permanent one. A Commission member explained: "In one year we could accomplish nothing." As a stop-gap measure, however, a one-year extension is all that the Congress has been willing to grant, the Senate voting for this, 70 to 15, and the House 265 to 80, in October.

In the debates upon the floor of the House as to whether or not to extend the Commission's life even for one year, Dixiecratic opposition was bitter; thus Albert Watson of South Carolina and Joe D.

* *Civil Rights '63*, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., for \$1.00.

Waggoner of Louisiana charged "that the Commission was partly responsible for stirring up racial demonstrations and unrest." The attacks were badges of honor, of course, and on the whole were well earned.

The members of the Commission are distinguished citizens, including professors and deans of law schools—at Harvard, Duke, Southern Methodist Union (Texas) and Howard, and the Presidents of Michigan State University and Notre Dame University. The Commission's staff was numerous and expert; all—as is required in this enlightened age—were certified as uncontaminated by "subversive ideas." The 1963 Report was based upon the accumulated experience of seven years and was itself the direct result, as the Commission's Letter of Transmittal to the President stated, "of two years of factfinding and investigation." This factfinding included not only the work of the Commission's own staff, but also that of each of the fifty State Advisory Committees, and extensive on-the-spot labor as well as open hearings held in many different areas and for days on end.

* * *

The 1963 *Report* is divided into nine main sections; five are concerned with those subjects to which separate volumes were devoted in the 1961 *Report*: Voting, Education, Employment, Housing, Justice. There are three additional topics dealt with: Health Facilities and Services, Urban Areas, and The Negro in the Armed Forces. A ninth section offers brief resumes of the main findings reported in 1963 by the State Advisory Committees.

In its introductory remarks, the Commission finds it possible "to report an atmosphere of genuine hopefulness," but hastens to add that "there is no cause for complacency." While it affirms that "the present conflict has brought about some progress," it adds that there exists the very distinct danger of fresh retrogression—especially if efforts and pressure are relaxed. Should this happen, it projects the possibility of a new and intensified "legacy of hate, fear and mistrust."

The Commission emphasizes that its study has convinced it of the inter-relatedness of the whole civil rights battle and that, therefore, it is necessary for action to be directed "against all phases of racial discrimination in public life," since "the civil rights problem cannot be solved piecemeal." The urgency of the matter is underscored; the Nation, reports this Commission, "cannot continue to

deny equality to Negro and other minority groups without compromising its integrity and eroding the moral foundation that is its greatest strength." Its conclusion reads:

At this time in our history, we must fulfill the promise of America to all its country's citizens, or give up our best hope for national greatness. The challenge can be met if the entire Nation faces its responsibilities.

* * *

The Commission reports that very little progress has been made in overcoming racial restrictions against voting. "Its findings reveal clearly that the promise of the 14th and 15th Amendments to the Constitution remains unfulfilled." This is true, states the Report, despite the fact that in 1957 and 1960 the first Civil Rights pieces of legislation were enacted since 1875, and despite the fact that both recent acts were aimed at cracking voting restrictions.

In 100 Black Belt counties—which contain one-third of all Negroes of voting age in the 11 Southern States—in the year 1956 (preceding the 1957 Civil Rights Act) about 5% of such Negro citizens were registered to vote; by mid-1963, after two civil rights acts, the institution of 36 voting rights suits by the Department of Justice and the operation of heroic private voter-registration drives, the percentage of adult Negro citizens in those 100 counties now having access to the ballot is 8.3%, or about 55,000 people out of some 668,000. At this rate of increase, about 26% of the adult Negro citizens in the heart of the South would be registered to vote in the year 2005!

No wonder that on the subject of Voting, the 1963 Report concludes "that racial discrimination persists and the policy of the Civil Rights Acts has been frustrated." Indeed, while the overall data show fractional increase in registration, the fact is that in several counties and over wide areas there actually has been a reduction in the numbers of registered voters—white as well as Negro. Hence, says the Commission, "the conclusion is inevitable that present legal remedies for voter discrimination are inadequate." It urges a massive campaign, employing scores of investigators and attorneys, to process litigation that must arise with rigorous enforcement of the 1957 and 1960 Acts; it recommends the enactment by Congress of enlightened uniform voter qualification standards; it adds that if these measures do not bring about the desired results, that the Congress should enforce—finally!—section 2 of the 14th Amendment—that is,

proportionately reduce the representation in Congress from those States where citizens are disfranchised on grounds of race, color, or national origin.

These recommendations are so drastic—though they seem only to take democracy seriously and to call for the enforcement of existing law,—including Constitutional requirements—that they carry a special “concurring statement” from Commissioner Robert G. Storey, of Dallas (former Dean of the Law School at Southern Methodist), and from Robert S. Rankin, chairman of the Political Science Department of Duke at Durham, North Carolina. Here these two men affirm that they “pray that this recommendation [for the implementation of the 14th Amendment] will never have to be acted upon.” Yet, they add, “We do think, however, that the voting problem is sufficiently urgent today to warrant its consideration,” and their Statement is a concurring one, not a minority dissent.

* * *

On Education, the 1963 Report notes the “discovery” of segregated education throughout the North and West. It comments favorably on the popular efforts being made in those areas to overcome this pattern and especially commends New York State and California for strong official policy statements attacking segregation no matter what its source.

In the South segregated education persists on the basis of official policy. As of the close of 1962—more than eight years after the relevant Supreme Court decision—92% of the Negro children in the South attended wholly segregated schools. At this rate completely segregated schools will disappear in the South by the year 2059—which, presumably, is not what the Supreme Court had in mind when it spoke of “all deliberate speed.” And most of the progress made—where there has been any—has been of the token form. Thus, in South Carolina in 1963, out of 250,000 Negro children of school age, exactly eleven were in school with white children; in Georgia the comparable figure was 100 out of 325,000; in Alabama one Negro child out of every 11,000 went to an integrated school—if such tokenism may be called integration.

The recommendations of the Commission in this area of education include legislation from Congress requiring that each school board adopt and publish within 90 days after enactment of said law a plan

for prompt compliance with the constitutional duty of providing non-segregated education. The Commission urges also that the Congress authorize it to undertake a massive program of technical and financial assistance to school districts throughout the country seeking to end segregated education, and, finally, that Congress take care that present urban renewal plans do not result—as they now so often do—in providing federal funds for housing plans that perpetuate and intensify ghetto conditions and therefore *de facto* segregation in education.

The Report's section on unemployment confirms the well-known fact that unemployment among Negroes averages two and a half times the general rate, that chronic unemployment among them is especially high and that its rate among young Negro men and women—about 21% among males and 28% among females—represents catastrophe and, to borrow Dr. Conant's term, “social dynamite.”

Generally speaking, the Commission found various apprentice-training programs—including those paid for by the Federal government—to be permeated by racism. Thus, while the Department of Health, Education and Welfare is responsible under the National Defense Act for training technicians, only 4.3% of the 20,000 trainees in the South were Negroes. In that area the program functions within 159 schools; of these three are non-segregated, 14 have only Negro students, and 142 are all-white. The retraining program conducted under the Department of Labor, especially that for depressed areas under the Area Redevelopment Act, is also blatantly racist. Thus: “There were no ARA Negro trainees in Alabama, Florida, South Carolina, Tennessee and Virginia—states where non-white unemployment ranged from 19.6 to 40.5 per cent in 1960.” The irony of this situation is enhanced when one recalls that the appropriations given in these States are based in large part upon the fearful poverty of its Negro citizens—yet they are exactly the ones not to benefit at all from those appropriations!

The Commission recommends passage of a strong federal F.E.P.C. and that the Federal government require as a condition of assistance that training programs be nonsegregated and that assistance be terminated when it is ascertained that this requirement was not being met.

Its study of Housing has led the Commission in this latest Report to reiterate that “Federal, State and local governments are still pro-

motors of residential segregation." Notice here is to be taken of the active verb the Commission has chosen—"promoters"—not simply those who passively acquiesce.

Two new developments have appeared in housing since the 1961 Report. One has been the intensification of urban renewal programs, but these again are found to be forces intensifying rather than alleviating ghetto housing conditions throughout the country. The other was the President's Executive Order on Housing, issued late in November, 1962.

While this Order extends to FHA- and VA-insured mortgages, it specifically does not include conventional mortgage activities of federally assisted lenders; hence, as the Commission finds, "the competitive advantage that the present order gives to certain types of lending institutions argues strongly for a comprehensive order." In any case, reports the Commission, "little has been done to implement it so far." The result is that an Order which was eight years late, by the President's own admission, was when issued altogether partial; and even that partial order has yet to be significantly implemented.

Turning to matters of justice, the Commission's 1963 Report examined two matters: 1) official interference with legitimate demonstrations against civil rights deprivations, i.e., the inevitable extension of the battle for civil rights into the field of civil liberties; 2) the degree of participation of Negroes in the administration of justice. As to the first, the Commission found a real crisis in civil liberties as a result of the civil rights battle; there is a "pattern of police abuse of civil rights protesters," especially, but not exclusively, in the South, and this is often marked by extreme brutality. As to the second: "Participation by Negroes in the agencies of justice as police officers, prosecutors, judges, jurors, and other officials and employees has often been prohibited or limited." At present—even in Federal practice—the employment of Negroes in the administration of justice was purely of the token variety.

The Commission noted that as late as 1954 inmates were segregated throughout the Federal correctional and prison system, while today—with the exception of one cell block in the U.S. Penitentiary in Atlanta—complete desegregation exists. It does not note that this result was obtained through struggle—especially by Smith Act prisoners, and particularly by Benjamin J. Davis. But an important point does emerge. When this fight was being conducted, the Federal

Government insisted that the goal of desegregation was "impossible" and that the discipline problems it would allegedly produce would result in chaos. But when continued effort—and the embarrassment that accrued to the Federal Government for its complete jim-crow policy in the face of protestations to the contrary—resulted in desegregation, it was found again as so often in American history, that there was nothing impossible about it at all. On the contrary, with firm administrative steps, desegregation was accomplished easily; and, reports the Commission: "Administrators of Federal facilities in the South reported that very few problems attended desegregation and that the process has assisted in rehabilitation."

A special section of the 1963 Report is devoted to Health Facilities and Services. This is fully warranted since under the terms of the Hospital Survey and Construction Act of 1946—as narrowly interpreted by its administrators—Negro people are denied access to or are segregated in medical care facilities constructed and maintained with Federal funds. "These practices," the Commission finds, "adversely affect the Nation's health standards and serve to deny medical training to Negro professionals." Let it be repeated that this is the result of a Federally authorized, conducted and financed program. What this means in dollars, is apparent in these figures. From 1946 through the end of 1962, under this Act (Hill-Burton Law), the Federal Government appropriated a total of almost \$37 millions towards construction of medical facilities; just \$4 millions of that went to projects intended for the use of Negro people.

In the light of findings of the Supreme Court which affirm without qualification that racial segregation in any aspect of public life violates the Constitution, this Hill-Burton Act clearly is an anachronism and its segregationist enforcement violates law as well as elementary decency.*

Another special section of the 1963 Report is devoted to Urban Areas. This summarizes hearings conducted by the Commission in

* On November 1, 1963, the U.S. Court of Appeals for the Fourth Circuit ruled that hospitals accepting Federal construction funds, under the Hill-Burton Act, must open their facilities and staffs to all people, regardless of race and color. The 3-2 decision was written by Chief Judge S. E. Sogeloff of Maryland; it applied specifically to two North Carolina hospitals.

Segregated hospitals, built with Hill-Burton funds, are located in fourteen States. Unless vigorous Federal executive action is forthcoming, desegregation rulings will have to be won in each of them following prolonged private suits. But the November 1 decision is a significant victory and precedent.

1962 and 1963, in Phoenix, Memphis, Newark and Indianapolis. These hearings pinpointed the national and interconnected character of the civil rights struggle. In the words of the Report:

Questions of education led to questions of housing, which involved employment opportunities, which involved the administration of justice, and so on in a tight circle. The evidence also shows that only an all-encompassing attack upon civil rights problems will bring about their solution.

For a government Report, this observation comes perilously close to a comprehension of the organic relationship of jim crow to the American social system and of the structural nature that any fully successful assault upon jim crow will require. The body of this section consists of the data spelling out the fact of racist discrimination in each of these urban areas; it notes that little genuine progress really has been achieved and that in certain respects—especially housing—deterioration rather than advance has occurred.

The final special section of the 1963 *Report* deals with the Negro in the Armed Forces. Here it is reported that while great progress has occurred in eliminating segregation within army posts and army units, this is not yet fully accomplished. Moreover, in the Air Force and especially in the Navy, racist practices still are very common.

Universal for those in all three branches is the nightmare that faces them and their families in terms of the racism that permeates surrounding communities. This racism persists even in facilities that owe their existence, either wholly or in large part, to Federal funds. Here again, the Commission recommends—as it did with Education, Health, and Employment training—that the Federal government withhold its funds from State and local governments manifesting racist practices in the use of those funds.

The relatively high degree of success of the Army program against racism, within its own units and ranks, is significant. This writer remembers well the struggles around this issue conducted during World War II when the Army was largely a jim-crow one. Progress *was* made—first in the military-prison compounds, the hospitals and the officer-training schools; then, under extreme duress, in certain combat outfits actually under fire; and, then, finally, at the close of the War as a matter of policy for the entire Army. At each stage, it was insisted that the elimination of racist practices was “impossible”; in every case, those who so insisted were shown

to be wrong. They were wrong not only in Massachusetts but also in Georgia, and they were wrong with men under fire and with men in the rear. They were thoroughly wrong; and those today—whoever they may be—who stress the allegedly extreme difficulty or sheer impossibility of effectuating desegregation also are simply wrong—if not also viciously motivated. All experience in this country, from the days of the Civil War on, shows that where serious effort is made to combat jim crow, such effort is eminently and often remarkably successful.

The closing pages of the 1963 Report are devoted to a sampling from reports made by various State Advisory Committees. These deal very briefly with apprenticeship training, education, employment, housing, police brutality—especially in Mississippi—and urban renewal. The data illustrate and substantiate the findings made in the general report and already summarized in the preceding pages. One may note, as points of emphasis, the following: These local Reports frequently advert to the existence of anti-Semitism, especially in employment and housing; they make clear “that housing discrimination is perhaps the most ubiquitous and deeply rooted civil rights problem in America.” The high suspicion prevailing in the Negro community of Los Angeles towards that city’s police force is noted; as to Mississippi, that State’s Advisory Committee itself found:

that the State of Mississippi is indifferent to the rights of its Negro citizens, and that the Federal Government, although acting in good faith, has not done enough to protect the American citizenship rights of Mississippi Negroes.

* * *

The U.S. Civil Rights Commission has taken its responsibilities seriously. For this reason it has earned the hatred of the ultra-Right and the Dixiecrats, and for this reason its actual existence is in jeopardy. It has found and reported that jim crow is systematized barbarism; it warns that persistence in it by this Nation will utterly destroy its soul.

If the battle against jim crow is not won in this generation, it will constitute for the United States as great a disaster as the victory of nazism constituted for Germany.

CHAPTER NINE

Conclusion — And Rededication

IT NEVER WAS right to "postpone" effective action on the Negro question because of so-called political expediency; today it is not only wrong, it is unwise. This is shown not only in the fact that President Kennedy would have remained a United States Senator if but 75% of the Negro vote went his way in 1960 rather than the 85% cast for him; it is shown too in the plain arithmetic of the 1960 Census, which revealed that 13% of the voting population of New York City is made up of Negro people, and 20% of that population in Chicago, 15% in Los Angeles, 24% in Philadelphia, 26% in Cleveland, 25% in St. Louis, 33% in New Orleans, 20% in Cincinnati, 15% in Pittsburgh, 20% in Indianapolis, and 15% in San Francisco.

That compromising the Negro question on the grounds of political expediency is both wrong and unwise is reinforced to the point where its reality becomes irresistible when one adds the international component. Here, in the crucial area of diplomacy, the chronic and blatant racism of the United States is its greatest single drawback; it simply makes absurd the whole posture of this country, so far as three-fourths of the human race is concerned. In the words of Senator Joseph Clark (D., Pa.), writing on civil rights: "Abroad, Africa, Asia, and large areas in Latin America write off our protestations of liberty and equality as hypocrisy. The resulting endless

and continuing damage to our position of world leadership is growing more serious every day" (*The Atlantic Monthly*, March 1962).

Furthermore, the centrality of the Negro question in terms of domestic issues confronting all Americans is becoming clearer and clearer every day. Problems of housing, employment, education, civil liberties—the whole gamut of public welfare and progressive legislation—are directly connected with the existence of systematized racism; without a frontal, bold, and massive attack upon the latter, it is not possible to solve any of the former.

What can be done by the Executive, if he is sufficiently aroused, was shown again dramatically in the President's public exhortation of the Steel industry magnates for their efforts to raise prices. Aroused by what he took to be a piece of deception practiced against himself, and by an action which he felt challenged his foreign trade program, and the viability of his fiscal program, the President responded energetically and publicly—he took his case to the people and he forced a quick rescinding of the price increase.

A central lesson of that experience is its demonstration—once more in American history—of the tremendous power that the Chief Executive has, and how irresistible that power is if he uses it effectively to mobilize public opinion behind him. As I listened to the President denounce the Steel Magnates, I could not help thinking what it would mean to the health and morality of this nation, if that same official would—with the entire nation watching and listening—denounce similarly the racists and the Dixiecrats, explain what their poison has cost and is costing our country, and then had announced that his Administration intended foursquare, and with no nonsense, to enforce every law and every Executive Order directed against racism. And, for good measure, if he would simultaneously announce a new Proclamation of Emancipation affirming as a matter of national policy and prime priority that the Federal Government declares immoral and illegal all public manifestations of racism under any circumstances and in any field—housing, education, employment, accommodations, communications—and that the Government means to enforce it as fully as Lincoln meant to enforce and did enforce the Proclamation issued a century ago.

The late President stated that he did not desire to be "ahead of public opinion" in the area of civil rights; this in fact is hardly different from General Eisenhower's urging of "patience" in this area.

Both are wrong and amount to rationalizations for inaction. Patience is gone and never was right here, anyway; and public opinion, here and abroad—is overripe for some forceful and dramatic action in this field. Such actions in the past—from Lincoln's in the Civil War to F.D.R.'s (and General Eisenhower's) in World War II—have worked, and while the cries of "patience" and "wait for public opinion" were raised then, too, they were not heeded, because the health and the safety of our Republic required that they be ignored; and being ignored, the actions taken—from freeing the slaves, to integrating Negro soldiers with white to save the day at the Battle of the Bulge—saved this nation.

The Reverend Martin Luther King, Jr., has put this matter exactly right, when he insisted that gradualism and partial efforts are ineffective in the battle against jim crow:

Unfortunately, resistance stiffens after such limited victory; inertia sets in, and the forward movement not only slows down, but is often reversed entirely. What is required to maintain gains is an initial sweep of positive action so far-reaching that it immobilizes and weakens the adversary, thus depriving him of his power to retaliate. (*The Nation*, March 3, 1962.)

As for "public opinion," what evidence exists all points in the direction of bulwarking the form of action that international and domestic considerations require, in any case. The churches, the white women, the white youth, the trade-union movement in its majority, know that racism is wrong and cancerous; the majority of the white people in the United States would feel an immense burden lifted from their own shoulders and their own souls if the Government would *act* forthrightly and decisively.

The fact is that the President's own Civil Rights Commission, in its 1961 and 1963 Reports, calls for such action. Moreover, every significant mass organization in the United States—the United Auto Workers, the United Steel Workers, the United Rubber Workers, the NAACP, the American Jewish Congress, several Catholic and Protestant organizations, many women's organizations, etc.—also have called for such action.

Every consideration—morality, practicality, patriotism, necessity—cries out for a new Emancipation Proclamation—at long last, after one hundred years—which would put the Government of the United States solidly behind a real drive to extirpate all manifestations of

racism from American life and to cleanse the American population of racist filth.

It is vital to remember that whatever advances have been made by the Negro people in the United States have come as the result not of patience and moderation—which are synonyms for passivity and inaction—but of passionate resistance and heroic struggle. That is the indubitable historical record. The Negro people know that truth in their bones and they are acting upon that truth.

Other truths are not so well known; they need constant reiteration. The Negro's oppression dilutes the white's freedom and well-being; its maintenance requires the vitiation of the white's freedoms. The advances of the Negro people have been commensurate with the degree of Negro-white unity achieved. The advances made by the Negro people have been hallmarks of the general democratic advance made in our country. Negro-white unity *has* existed in the past in this country; and it has reached notable dimensions *inside the South* several times in the past.

It is the degree of success of Negro-white unity, especially in the South in the past, which terrifies the rulers of this country and of that section. It is the mounting blows which the whole edifice of white supremacy has received within our own country which terrifies the Bourbon. The South has been divided not only in terms of Negro and white, but also in terms of rich and poor, exploited and exploiters. Racism as the trump card of the exploiters is less effective now than it has ever been in Southern history; more and more its postulates in the fields of history, psychology, anthropology, biology have been successfully refuted, and that refutation has influenced increasing numbers of Southern white people, especially the younger among them.

Now, as the system of jim crow is set up for a series of devastating blows—coming as the result of national and international popular struggles—the ruling class in the United States seeks to divert, confuse, frighten, delay the battlers for equality.

The cries for deliberation and for patience that come from high places are cues for resistance to the law, and for the organization of violence. The fact is that if the Government of the United States would throw its weight and its influence into the scales against further delay in the implementation of an anti-segregation program, would demand obedience to law instead of urging patience for law-breakers, we would witness a real undercutting of segregation, a

thorough extension of the suffrage and a profound democratization of every aspect of national life.

The more completely that weight is thrown into the balance and the more thoroughly it seeks to destroy the whole system of jim crow—the less it encourages “moderation,” the less it appears to be satisfied with token compliance—the more easily and effectively will the Constitution of the United States be really enforced.

The historical record shows that whenever constituted authority has made perfectly clear that it is serious in its anti-segregationist pronouncements, those pronouncements have come alive in actual practice. Former President Eisenhower is peculiarly fitted to testify to that. He knows that during World War II, it was widely insisted that it would be impossible to integrate officer training in military camps within the South. But he knows that such integration was carried out in artillery and infantry and engineer schools within Oklahoma, Georgia and Virginia. He knows that tens of thousands of Negro and white men, from every state in the Union, trained and studied and lived together for months; he knows that while the complaints were numerous in the beginning and threats were not absent, the complaints died down and the threats did not materialize when it became clear that the United States Government meant business and needed officers in a hurry and was not going to let jim crow interfere with getting them.

General Eisenhower was the Supreme Commander who, faced by the German advance threatening Antwerp in 1944, and needing thousands of replacements quickly, adopted the proposal to integrate Negro troops within several divisions then holding the lines in France and Belgium. He knows that Army investigators reported that most of the white troops and officers in those divisions said they would rather throw down their guns than fight with Negroes. But he knows, too, that in face of the desperate need, Negro troops were called upon to volunteer for combat, that thousands of them did, that they fought magnificently within white divisions, and that not a white soldier carried out the threats of desertion. They did not carry out the threats because it was made perfectly clear to them that if they did they would face the sternest punishment by the United States. And General Eisenhower knows that white and Negro fought together in the weeks of the Battle of the Bulge, side by side; and that when it was over the same white men who had said they would rather throw down their rifles than fight with

Negro comrades, now with unanimity said that they wanted their divisions to remain Negro-white outfits, and so to be worthy of the titles of fighters against tyranny.

If one says: "But that was wartime and the emergency was pressing," I reply that this is freedom-time and the emergency is quite as pressing. I reply, too, that token action, hesitant and transient, serves to encourage racists, not end segregation; moreover, the calls for violence by the segregationists are becoming ever bolder and more disgusting,* as their actual use of violence becomes more and more frequent. I reply, too, that twenty million people are united in their resolve to be no longer denied equality and dignity; and that increasing millions of white people, including Southerners—are tired of being cheated of good schools for themselves and free speech for themselves and democratic political parties for themselves; are tired of paying for jim crow in lower wages for themselves, in less effective trade unions for themselves; millions of white Americans are sick and tired of being ashamed of their country because of the existence of a damnable jim-crow system.

* For example, at a public meeting attended by 15,000, held in Montgomery, Alabama, and addressed by Senators, Mayors, Attorneys General, and other officials, thousands of copies of a printed leaflet were distributed, saying: "When in the course of human events it becomes necessary to abolish the Negro race, proper methods should be used. Among these are guns, bows and arrows, sling shots and knives. We hold these truths to be self-evident, that all whites are created equal with certain rights; among these are life, liberty and the pursuit of dead niggers"—and more of the same filth. This is in J. B. Martin's *The Deep South Says Never* (Ballantine Books, N. Y., p. 39).

CHAPTER TEN

An After-Word: Murders Most Foul

ALL SERIOUS COMMENTATORS, horrified by the dual murders of the nightmarish week-end, November 22-24, 1963, have related them to the moral rot, widespread sadism and irrational, anti-humanistic thinking that have so blighted American life, particularly since the end of World War II and as fitting accompaniments to the Cold War.

Chief Justice Warren, standing beside the President's casket, and publicists such as Walter Lippmann and John Crosby in particular, have stressed the relationship between the week-end of horrors and McCarthyism. They have insisted that the notorious corruption of the police and the denial of elementary rights which has accompanied witch-hunting, and the glorification of the Informer were sources of an atmosphere propitious for the appearance of such horrors.

None of these, however, has specifically pointed to institutionalized anti-Communism which makes such conduct inevitable; nor have any of them specifically pointed to racism as another—and related—source of the poison corroding American ethics and politics.

One cannot forever, with impunity, violate the basic rights of tens of thousands of people on the grounds of their alleged political beliefs—and then make such violation statutory, as in the McCarran Act, and expect that such violations will not spread into a general violation of democratic rights and a contempt for justice. Nor can

a nation forever preach equality and systematically practice inequality; it cannot forever praise fraternity and treat ten percent of its population as pariahs, without such hypocrisy taking a fearful toll of morality.

The preceding pages have documented, from indubitable sources, the atrocious behavior of the American police infested as it is with racism; they have shown that this has corroded the fabric of justice in general and of the F.B.I. in particular.

Whatever the details, there is a straight historic connection between shooting down the president of the Mississippi NAACP and shooting down the President of the United States. If this connection is grasped and if the people of the United States force the cleansing action that is desperately required, then neither assassination will have been in vain.

This book began with the words of Dr. Du Bois. Let it close with his words, too. Over forty-five years ago, in the midst of the First World War, Dr. Du Bois contributed an article entitled "The Problem of Problems" to *The Intercollegiate Socialist* (December-January, 1917-1918). Addressing himself in that organ to the more enlightened portion of the white people of the United States, Du Bois wrote these flaming sentences:

In every question which you discuss and in many other great social questions which you might discuss, frankness and honesty on your part is almost impossible because of the fact that the nation is guilty of continual injustice toward one-tenth of its own citizenship, and that the injustice is deliberate as long as they refuse to investigate it or discuss it, and because if today you saw the righteous and honest solution you would be frankly unwilling to receive it, unwilling to carry it out, since you would not want to live in a world where Negroes were treated as men.

Under such circumstances you must remember that the integrity of your own souls and minds is at stake.

You cannot thus play with a human problem and not spoil your own capacity for reason. You must face the fact that these human beings cannot always remain in their present relation to world movements.

I once suggested in "The Crisis" magazine a method of solving this problem which was received with a certain gasp of horror. Yet I venture to suggest it again. I said that every white family in the United States might choose a person of Negro descent,

invite him to their home, entertain him and then through some quick and painless method kill him. In that way, in a single day, we would be rid of 12,000,000 people who are today giving us so much concern, or rather so little concern.

Remember, that as ghastly as a proposal of this sort appears that it is a good deal better than forcing these Negroes into slums and ghettos and letting them die slowly by a high death rate. It is a good deal better than forcing them to the lowest wages and letting them die of inanition. It is even better than presenting them with a program of life and education which includes universal and continual insult with absolutely no hope of normal citizenship in modern civilization, and, finally, it is the only one decent alternative to treating them as men.

It is sobering to observe that—with some alterations in detail—this "solution" to the so-called Negro question suggested by Dr. Du Bois long ago, as the logical culmination of the institutionalized violation of human decency rationalized by racism, was the "solution" chosen by Hitlerism for the so-called Jewish question.

Du Bois' "problem of problems" must be resolved immediately, decently and democratically, or it will consume the Great American Republic.

Index

- Abolitionism, 24-25, 29
- Africa, 5, 20, 22, 31, 109
- Akron, O., 38
- Alabama, 3, 13, 34, 36, 46, 73, 77-80, 88, 89, 90, 94-95, 96, 102, 103
- Alaska, 46
- Allen, Richard, 30
- American Bar Association, 60
- American Jewish Congress, 111
- American Scholar, The*, 15n.
- Ann Arbor, Mich., 52
- Anti-Semitism, 39, 48, 49, 51, 54, 59, 66
- Antwerp, 113
- Arabs, 25
- Arendt, Hannah, 15
- Arizona, 46-47, 89
- Arkansas, 10, 34, 45, 73, 74, 88, 89, 92
- Aronson, Arnold, 87
- Asia, 20, 25, 31, 39, 60, 109
- Athens, Ga., 81
- Atlanta, Ga., 3, 5, 104
- Atlanta University, 5
- Atlantic Monthly, The*, 110
- Baltimore, Md., 65
- "Battle of the Bulge," 113
- Bell, Daniel, 13
- Bernhard, B. I., 99
- Birmingham, Ala., 78
- Boas, Franz, 21n.
- Bolshevik Revolution, 4, 25
- Bontemps, Arna, 32
- Brown, John, 2, 9, 18
- Brown, Sterling A., 32
- Buckley, William F., 13
- Bunche, Ralph J., 2
- California, 47, 102
- Campbell, E. Q., 20n.
- Carnegie, Andrew, 2
- Charleston, S. C., 30, 75
- Chicago, 48, 109
- Chicago, University of, 51-52
- China, 25
- Christian Century, The*, 15
- Cincinnati, 55, 109
- Civil Defense Program, 96

Clark, Joseph, Sen., 109
 Cleveland, 38, 55, 109
 Columbia, S. C., 75
 Communist Party, U.S.A., 4-5
 Conant, J. B., 103
 Congress on Racial Equality, 63
 Connecticut, 46, 47-48, 65n.
 Connecticut, University of, 48
 Cornell University, 3
Crisis, The, 4, 6, 116
 Crosby, John, 115
 Cullen, Countee, 2

Dabbs, J. M., 19, 20
 Dallas, Tex., 102
 Darwinism, 20
 Davis, Benjamin J., 104
 Davis, Jefferson, 5
 Dearborn, Mich., 51
 Debs, Eugene V., 16
 Declaration of Independence, 25, 69
 Delaware, 46, 60, 61-62
 DeMott, Benjamin, 15n.
 Douglass, Frederick, 5, 16, 30, 31
 Du Bois, Shirley Graham, 7
 Du Bois, W. E. B., 1-8, 9, 18, 21n., 60, 116-17
 Duke University, 100, 102
 Du Pont family, 61

Eastland, James O., 20, 67, 84
 Eisenhower, Dwight D., 110, 113
 Elkins, Stanley, 15n.
Encyclopedia Africana, 5

Fauset, Jessie, 2
 Fayette County, Tenn., 70
 F.B.I., 43, 76, 116
 Florida, 33, 34, 37, 45, 73, 74, 88, 89, 90, 95, 103
 Fort Worth, Tex., 19
 France, 25, 31, 113

Frankfort, Ky., 63
 Frazier, E. Franklin, 2, 28
 Fulbright, J. William, 10-12

Garrison, W. L., 16
 Georgia, 1, 3, 8, 34, 36, 37, 46, 80-81, 89, 90, 95, 96, 102, 107, 113
 Georgia, University of, 81
 Germany, 107
 Ghana, 5, 7
 Grand Rapids, Mich., 52
 Granger, Lester, 28

Haiti, 25
 Harvard University, 100
 Hawaii, 45, 48
 Hawthorne, Nev., 53
 Hesburgh, T. M., 34
 Hill-Burton Law, 105
 Hill, Herbert, 91
 Hoover, Herbert, 41
 Hoover, J. Edgar, 76
 Hope, John, 5
 Hopkinsville, Ky., 63
 Howard University, 100
 Hughes, Langston, 2
 Hungary, 73

Idaho, 48
 Illinois, 45, 48
 Indian, American, 22, 40, 46, 52, 53, 54, 58, 59, 60, 68
 Indiana, 48-49
 Indianapolis, 106, 109
 Informers, use of, 79, 115
 Iowa, 48, 49
 Italy, 31, 39
 Jefferson, Thomas, 15
Jewish Life, 23n.
 Jews, *see* Anti-Semitism
Journal of Negro Education, The, 21n.

Kansas, 49-50
 Kansas City, 50
 Kennedy, John F., 33, 39, 87, 88, 93, 104, 109, 110, 116
 Kennedy, Robert, 33, 39
 Kentucky, 46, 62-63
 Klineberg, Otto, 21n.
 Ku Klux Klan, 77, 79

Las Vegas, Nev., 53
 Latin America, 22, 31, 109
 Lawrence, David, 14
 League of Women Voters, 66
 Lee, Robert E., 5
 Lexington, Ky., 63
 Lincoln, Abraham, 31, 110, 111
 Lippmann, Walter, 115
 Logan, Rayford W., 23n.
 London, 2
 Los Angeles, 107, 109
 Louisiana, 34, 37, 46, 81, 89, 90, 92, 100
 Louisville, Ky., 38, 63

Madison, James, 35n.
 Mall, Franklin, 21n.
 Martin, J. B., 114n.
 Marx, Karl, 4
 Maryland, 64-65, 105n.
 Massachusetts, 3, 107
 Maston, T. B., 19
 McCarran Act, 4, 97, 115
 Memphis, 106
 Mexican-American, 49, 51, 52, 54
 Mexico, 25
 Michigan, 46, 50-52
 Michigan State University, 100
 Michigan, University of, 52
 Migratory workers, 51, 53
 Milwaukee, 60
 Minneapolis, 52
 Minnesota, 52

Mississippi, 2, 13, 34, 36, 46, 73, 84-85, 89, 90, 94-95, 96, 107, 116
 Missouri, 46, 65-68
 Mitchell, Clarence, 33
 Montgomery, Ala., 78, 114n.
 Morgan, J. P., 2
 Morrill Act, 90
 Mormons, 18, 58
 Myrdal, Gunnar, 20, 27

NAACP, 29, 33, 87, 88, 91, 111, 116
 Nashville, Tenn., 70
Nation, The, 111
 National Bar Association, 60
National Review, The, 13
 National Urban League, 28
 Navy, U.S., 53, 75, 106
 Nevada, 52-53
 Newark, N. J., 106
 New Hampshire, 53
 New Jersey, 53-54
New Leader, The, 13
 New Mexico, 54
 New Orleans, 81-82, 109
New Republic, The, 12
 New York City, 54, 109
 New York State, 46, 54-55, 76, 102
 Niagara Movement, 29
 Nkrumah, Kwame, 1, 6
 North Carolina, 34, 46, 85-86, 105n.
 Notre Dame University, 34, 100

Ohio, 2, 55-56
 Oklahoma, 46, 68-69, 92, 113
 Oregon, 56
 Owosso, Mich., 51

Paine, Thomas, 14-15

Pan-Africa, 4
 Pennsylvania, 46, 56-57
 Pettigrew, T. F., 20n.
 Phoenix, 38, 106
 Pieters, Albertus, 19
 Pittsburgh, 109
 Pope, Liston, 19
 Portsmouth, N. H., 53
 Prosser, Gabriel, 30
 Providence, R. I., 57
 Puerto Ricans, 47, 51, 53, 54, 55,
 62
 Puerto Rico, 89
 Pugh, M. W., 65

 Raleigh, N. C., 28n.
 "Realtor," 49, 65
 Reid, Ira DeA., 2
 Reno, Nev., 53
 Rhode Island, 46, 57-58
 Roman Catholic Church, 75
 Roosevelt, Franklin D., 111
 Russell, George, Sen., 81

 Salem, Ore., 56
 San Francisco, 109
 Savannah, Ga., 81
 Sharecropping, 95
 Sogeloff, S. E., 105n.
 South Bend, Ind., 38
 South Carolina, 19, 23, 34, 36, 73,
 74-76, 89, 90, 94-95, 99, 102,
 103
 South Dakota, 58
 Southern Methodist Union Uni-
 versity, 100, 102
 Soviet Union, 25, 37
 Sparkman, John, Sen., 78
 St. Louis, 3, 38, 66, 67-68
 Stone, V. W., 65
 St. Paul, Minn., 52
 Storey, R. G., 102

Supreme Court, U.S., 30, 69, 80,
 83, 97, 102

 Tennessee, 34, 69-71, 95, 103
 Texas, 19, 34, 46, 73, 76, 92
 Tilson, Everett, 19
 Tindall, G. B., 23n.
 Toomer, Jean, 2
 Truman, H. S., 67, 77
 Tufts University, 10
 Turner, Nat, 30, 31

 United Automobile Workers, 88,
 111
 United Steel Workers, 88, 111
 Utah, 58-59

 Veterans' Hospitals, 75
 Virginia, 30, 34, 37, 74, 103, 113

 Waggoner, J. D., 100
 Walker, Margaret, 6-7
Wall Street Journal, 14
 Warren, Earl, 115
 Washington, D.C., 6, 33, 92, 93n.,
 96
 Washington, George, 14-15
 Washington State, 59
 Watson, Albert, 99
 West Indies, 25
 West Virginia, 71
 White, Walter, 2
 White Citizens' Councils, 83, 85
 Wickersham Commission, 41
 Wilkins, Roy, 87
 Wilmington, Del., 61
 Wisconsin, 60
 Woodson, Carter G., 21n.
 Woodward, C. Vann, 23n.
 Wright, Richard, 4, 60
 Wyoming, 58, 60

 Yorktown, 25